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MEMORANDUM ON THE MONROE DOCTRINE

PREPARED BY

J. REUBEN CLARK

UNDERSECRETARY OF STATE

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MEMORANDUM TO THE SECRETARY OF STATE

THE SECRETARY.

Herewith I transmit a Memorandum on the Monroe Doctrine, prepared by your direction, given a little over two months ago.

Voluminous as it is, the Memorandum makes no pretense at being either a treatise or a commentary on the Doctrine; the shortness of time available for the work and the urgency for its completion, coupled with the performance of regular Departmental duties assigned to me, forbade such an undertaking.

Obviously the views set out, both herein and in the Memorandum, are not authoritative statements, but merely personal expressions of the writer.

The Memorandum is by design (to the full extent it has been possible so to make it) a mere collection of documents, or glossed authoritative statements and discussions, accompanied by such slight, running comments only as are necessary to identify the incident or situation with which the documents are connected. This is especially true of the correspondence covering the years immediately preceding the announcement of the Doctrine and thereafter, this material being in the main taken from references or quoted documents given in the *International Arbitrations* and *International Law Digest* of John Bassett Moore, whose deep learning and exhaustive research in all matters connected with the international relations of this country, can be appreciated by those only who attempt to follow along any road he has already traveled. In common with every person who writes about American international relations, I owe to Mr. Moore (on account of these two great works) a debt which I can pay only by a full and frank admission of my obligation, which I am happy here fully to make.

The Memorandum deals first with such matters and incidents of our history as British colonies and of our history as a nation under the Constitution up to 1823, as had a bearing on the Doctrine, and indicates the relationship between these matters and the course of concurrent events in Europe, including a brief statement of the development of the Holy Alliance with its aims and purposes.

There follows, after this, extracts of the pertinent parts of our diplomatic correspondence which immediately preceded Monroe's declaration, the declaration itself, and then the more important instances, arranged in chronological sequence, in which the principles of the

Doctrine or the Doctrine itself has come under consideration and application.

Then follows a collection, under classified headings, of various announcements and declarations touching matters and incidents which have been said *not* to fall within the Doctrine or its underlying principles.

The pertinent parts of the Doctrine as announced by President Monroe (December 2, 1823) are these:

> . . . the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.
>
> . . . . .
>
> . . . It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective Governments; and to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the Governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States. . . .
>
> . . . It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can anyone believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition in any form with indifference. If we look to the comparative strength and resources of Spain and those new Governments, and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course.

The Doctrine, thus declared by Monroe, when reduced to its lowest terms, covers—

(1) Future *colonization by any European powers* of the *American continents.*

(2) Any attempt by the *allied powers* to extend their political system *to any portion of this hemisphere*, or (in its second statement) *to any part of either continent.*

(3) Any interposition, *by any European power*, for the purpose of oppressing or controlling in any other manner the destinies of the Latin American Governments "who have declared their independence and maintained it, and whose independence we have on great consideration and just principles acknowledged."

(4) Noninterference by the United States with the existing colonies or dependencies of any European power.

(5) Policy of leaving Spanish American colonies and Spain to themselves in the hope that other powers will pursue the same course.

Behind the Doctrine, though not expressly stated in words by President Monroe, is the principle of the complete political separation of Europe and the Americas, or, as Jefferson put it, "Our first and fundamental maxim should be, never to entangle ourselves in the broils of Europe; our second, never to suffer Europe to intermeddle with cis-Atlantic affairs." (October 24, 1823.)

The principles of the nonextension of the European political system to this hemisphere and interposition in the affairs of Latin American Republics, are mere corollaries of the political separation of Europe and America.

The Memorandum shows that each of these essential principles of the Doctrine had been understood, announced, and invoked as between ourselves and Europe, years before the framing of Monroe's declaration was contemplated.

Jefferson, in 1793, seems clearly to have visualized an America with no European political affiliation.

Washington in his Farewell Address (1796) declared we should have "as little political connection as possible" with Europe; that Europe had a "set of primary interests" with which we had "none or a very remote relation," wherefore Europe "must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns"; "Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice? It is our true policy to steer clear of permanent alliances with any portion of the foreign world."

Adams (1797) in a message to Congress declared, "We ought not to involve ourselves in the political system of Europe, but to keep ourselves always distinct and separate from it."

King, our Minister to Great Britain, reported (1798) intimations that Great Britain desired, with our cooperation, to separate South America from Spain—Britain not wishing France to secure the resources of these colonies—and King intimated to British officers that, as to Louisiana, we should be unwilling "it should pass into the hands of new proprietors."

King (1801) speaking of the Floridas, told Hawkesbury "we should be unwilling to see them transferred except to ourselves."

Madison, Secretary of State (1801), informed Pinckney at Madrid that the United States never had favored and could never favor the transfer to Great Britain of the Spanish possessions on the Mississippi, and this instruction had the assent of President Jefferson.

Jefferson himself writing to Livingston at Paris (1802) declared the cession of the Floridas and Louisiana "works most sorely on the United States"; that it "completely reverses all the political relations of the United States"; and that by it France "assumes to us the attitude of defiance," and makes "it impossible that France and the United States can continue long friends." Madison writing Livingston with the approval of Jefferson, at about the same time, declared that "mere neighborhood could not be friendly" to the harmony of France and the United States. Lord Hawkesbury (1802) inquired of King as to the "line of policy" which the United States would adopt if France acquired Louisiana. In a *mémoire* which he delivered to French authorities (1802) Livingston again spoke of the dangers of neighborhood; and in the latter part of the year (1802) Madison wrote to Pinckney in Madrid of the "injuries" coming to us on account of the "colonial officers scattered over the hemisphere, and in our neighborhood."

King (early 1803) informed Addington of the British Government that we would "with much concern" see New Orleans in British possession. Hawkesbury (1803) speaking of our purchase of Louisiana, stated he had "received his Majesty's commands to express to you the pleasure with which His Majesty has received this intelligence." Jefferson (1803) in a message to Congress, observed that a "wide ocean" separated us from the entangling "political interests" of Europe, that "it cannot be the interest of any to assail us, nor ours to disturb them," a position we should be "most unwise . . . to cast away."

The Congress of the United States in 1811 passed a resolution, which, while dealing with a restricted territorial area, invoked our "security, tranquillity, and commerce." This resolution reads:

Taking into view the peculiar situation of Spain, and of her American provinces; and considering the influence which the destiny of the territory adjoining the southern border of the United States may have upon their security, tranquillity, and commerce: Therefore,

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, **That the United States, under the peculiar circumstances of the existing crisis, cannot, without serious inquietude, see any part of the said territory pass into the hands of any foreign power; and that a due regard to their own safety compels them to provide, under certain contingencies, for the temporary occupation of the said territory; they, at the same time, declare that the said territory shall, in their hands, remain subject to future negotiation.**

In 1820, Secretary Adams instructing Middleton at St. Petersburg, affirmed that the political system of the United States was essentially "extra-European," and "that for the repose of Europe as well as of America, the European and American political system should be kept as separate and distinct from each other as possible."

Beginning in 1821, Adams continued his correspondence with Russia in the course of which he developed, as it appears for the first time, the anti-European colonization principle, which was crystallized in his statement on July 17, 1822, that "we should assume distinctly the principle that the American continents are no longer subjects for any new European colonial establishments."

Later (July 22, 1823) Adams instructed Middleton to say "frankly and explicitly to the Russian Government, that the future peace of the world, and the interests of Russia herself cannot be promoted by Russian settlements upon any part of the American continent."

The situation as to Cuba in 1823 is said to have called for a remark from Clay to Canning that "we would fight" if Britain were to secure possession of Cuba.

As to the Canning-Rush negotiations, about the middle of August 1823, Mr. Canning orally advised Mr. Rush that "His Britannic Majesty disclaimed all intention of appropriating to himself the smallest portion of the late Spanish possessions in America"; that "Great Britain certainly never again intended to lend her instrumentality or aid, whether by mediation or otherwise, towards making up the dispute between Spain and her colonies, but that if this result could still be brought about she would not interfere to prevent it"; that he (Canning) "hoped that France would not, should even events in the Peninsula be favorable to her, extend her views to South America for the purpose of reducing the colonies, nominally, perhaps, for Spain, but in effect to subserve ends of her own"; and that if France should meditate such a policy, a knowledge that both Great Britain and the United States opposed it "could not fail to have its influence in checking her steps."

On August 20, 1823, Mr. Canning sent a "private and confidential" communication to Mr. Rush suggesting that Great Britain and the United States "might understand each other as to the Spanish-American colonies." He stated:

> For ourselves we have no disguise.
>
> 1. We conceive the recovery of the colonies by Spain to be hopeless.
>
> 2. We conceive the question of the recognition of them, as independent states, to be one of time and circumstances.
>
> 3. We are, however, by no means disposed to throw any impediment in the way of an arrangement between them and the mother country by amicable negotiation.
>
> 4. We aim not at the possession of any portion of them ourselves.

5. We could not see any portion of them transferred to any other power with indifference.

If these opinions and feelings are, as I firmly believe them to be, common to your Government with ours, why should we hesitate mutually to confide them to each other, and to declare them in the face of the world?

In a subsequent paragraph Mr. Canning inquired whether Mr. Rush was authorized to enter into negotiations and sign a convention upon this subject.

In a later communication marked "private and confidential" (August 23, 1823) Mr. Canning informed Mr. Rush that he found as a further reason for the two Governments reaching the proposed understanding, the fact that the French expected as soon as their military objects in Spain were achieved to propose "a Congress, or some more or less formal concert and consultation, specially upon the affairs of Spanish America."

President Monroe, on October 17, 1823, wrote to Mr. Jefferson and to Mr. Madison, enclosing copies of this correspondence, and stated among other things:

My own impression is that we ought to meet the proposal of the British Gov^t. & to make it known, that we would view an interference on the part of the European powers, and especially an attack on the Colonies, by them, as an attack on ourselves, presuming that if they succeeded with them, they would extend it to us.

Mr. Jefferson replying under date of October 24, 1823, stated among other things:

. . . Our first and fundamental maxim should be, never to entangle ourselves in the broils of Europe; our second, never to suffer Europe to intermeddle with cis-Atlantic affairs.

As to the war which the proposal of Great Britain might lead to, Mr. Jefferson said:

. . . Its object is to introduce and establish the American system, of keeping out of our land all foreign powers—of never permitting those of Europe to intermeddle with the affairs of our nations. It is to maintain our own principle, not to depart from it.

Later in his communication Mr. Jefferson said:

I could honestly, therefore, join in the declaration proposed, that we aim not at the acquisition of any of those possessions, that we will not stand in the way of any amicable arrangement between them and the mother country; but that we will oppose, with all our means, the forcible interposition of any other power, as auxiliary, stipendiary, or under any other form or pretext, and most especially their transfer to any power by conquest, cession or acquisition in any other way.

The foregoing sets out, as to principles involved, the general situation when Monroe's Cabinet began its deliberations early in November of 1823. It will be observed that every essential principle of

the declaration as finally framed had been definitely stated, some of the principles over and over again, before the Cabinet began consideration of the matter. The only thing left for the Cabinet to do and the only thing which the Cabinet did was to frame the formulae by which the principles should be announced.

Much research and learning have been exhausted in an effort to place or distribute, as among Adams, Monroe, Canning, and Rush, the credit for conceiving the principles of the declaration. From what has been said it would appear that neither Adams nor Monroe had any closer connection with this Doctrine than Jefferson had with the Declaration of Independence, except as to the colonization principle, which Mr. Adams seems to have developed. In each case, the drawing of the instrument was the work of the draughtsman; the principles cast into definite formulae in the Doctrine had long been the common property of the American statesmen of the time, and even of European statesmen.

Returning to the declaration itself, it must not be overlooked that the matters inhibited by the Doctrine came under ban because they were "dangerous to our peace and safety," or were a "manifestation of an unfriendly disposition towards the United States," or "endangering our peace and happiness."

This is the language used in international correspondence to describe matters which challenge the security or self-preservation of a nation. From the time when the announcement of the Doctrine was made to the present time, substantially equivalent expressions have been used to describe the Doctrine and the principles which underlie it. No reasonable doubt can be sustained that it has always been considered as involving our security. Secretary Knox speaking in 1911, declared:

> . . . The maintenance of the Monroe Doctrine is considered by us essential to our peace, prosperity, and national safety.

In 1914 Senator Elihu Root declared:

> The doctrine is not international law but it rests upon the right of self-protection and that right is recognized by international law.

In 1923 Secretary Hughes wrote:

> The Monroe Doctrine is not a policy of aggression; it is a policy of self-defense. . . . It still remains an assertion of the principle of national security. . . . The decision of the question as to what action the United States should take in any exigency arising in this hemisphere is not controlled by the content of the Monroe Doctrine, but may always be determined on the grounds of international right and national security as freely as if the Monroe Doctrine did not exist. . . . The Monroe Doctrine rests "upon the right of every sovereign state to protect itself by preventing a condition of affairs in which it will be too late to protect itself."

Conceiving it as a doctrine touching our self-preservation (and the incidents of its application are squarely within the precedents of action for self-preservation) the definitions and discussions of self-preservation by international law writers are of importance.

Concerning self-preservation Phillimore says—

> The Right of Self-Preservation is the first law of nations, as it is of individuals. . . .
>
> All means which do not affect the independence of other nations are lawful for this end. No nation has a right to prescribe to another what these means shall be, or to require any account of her conduct in this respect. (*International Law*, 3d ed., vol. I, p. 312.)

After stating, as to the independence of a state, that "to interfere with it therefore is a wrong, unless it can be shown that there are rights or duties which have priority, either invariably or in certain circumstances, over the duty of respecting independence," Hall lays down the following rule:

> That there is one such right is incontestable. Even with individuals living in well-ordered communities the right of self-preservation is absolute in the last resort. *À fortiori* it is so with states, which have in all cases to protect themselves. If the safety of a state is gravely and immediately threatened either by occurrences in another state, or aggression prepared there which the government of the latter is unable or professes itself to be unable to prevent, or when there is an imminent certainty that such occurrences or aggression will take place if measures are not taken to forestall them, the circumstances may fairly be considered to be such as to place the right of self-preservation above the duty of respecting a freedom of action which must have become nominal, on the supposition that the state from which the danger comes is willing, if it can, to perform its international duties. (*International Law*, 5th ed., p. 54.)

Wheaton declares:

> Of the *absolute* international rights of States, one of the most essential and important, and that which lies at the foundation of all the rest, is the right of self-preservation. It is not only a right with respect to other States, but a duty with respect to its own members, and the most solemn and important which the State owes to them. This right necessarily involves all other incidental rights, which are essential as means to give effect to the principal end. (*Elements of International Law*, par. 61.)

Westlake lays down the rule thus:

> What we take to be pointed out by justice as the true international right of self-preservation is merely that of self-defence. A state may defend itself, by preventive means if in its conscientious judgment necessary, against attack by another state, threat of attack, or preparations or other conduct from which an intention to attack may reasonably be apprehended. In so doing it will be acting in a manner intrinsically defensive even though externally aggressive. In attack we include all violation of the legal rights of itself or of its subjects whether by the offending state or by its subjects without due repression by it or ample compensation when the nature of the case admits compensation. And by due repression we intend such as will effectually prevent all but trifling

injuries (*de minimis non curat lex*), even though the want of such repression may arise from the powerlessness of the government in question. The conscientious judgment of the state acting on the right thus allowed must necessarily stand in the place of authoritative sanction, so long as the present imperfect organisation of the world continues. If its legal rights or those of its subjects are concerned, and the necessity is not great and immediate, action on the right of self-preservation will seldom be conscientious unless arbitration has first been offered and refused; and there may be cases of a political kind not wholly unfitted for arbitration. (*International Law*, pt. I, pp. 299–300.)

Oppenheim says:

From the earliest time of the existence of the Law of Nations self-preservation was considered sufficient justification for many acts of a State which violate other States. Although, as a rule, all States are under a mutual duty to respect one another's personality, and are therefore bound not to violate one another, as an exception certain violations of another State committed by a State for the purpose of self-preservation are not prohibited by the Law of Nations. (*International Law*, vol. I, par. 129.)

Rivier announces the rule thus:

When a conflict arises between the right of self-preservation of a state and the duty of that state to respect the right of another, the right of self-preservation overrides the duty. *Primum vivere.* A man may be free to sacrifice himself. It is never permitted to a government to sacrifice the state of which the destinies are confided to it. The government is then authorised, and even in certain circumstances bound, to violate the right of another country for the safety (*salut*) of its own. That is the excuse of necessity, an application of the reason of state. It is a legitimate excuse. (Translation of *Principes du Droit des Gens*, p. 277, as given by Westlake in *International Law*, pt. I, pp. 296–297.)

The occasions when this right has been exercised are many. The more frequently cited instances have been summarized as follows:

Those classed as acts of self-defense:

Halleck (p. 96) and Phillimore (p. 561) cite the intervention of the powers in the French Revolution in the latter part of the eighteenth century as illustrations of the exercise of this right (Halleck apparently reprobating and Phillimore justifying the intervention). Phillimore also classifies under this head the intervention of the powers in the partitions of Poland in 1772, 1793, 1795, and 1815, interventions which he characterizes as "public crimes" and "national wickedness" (p. 563). Phillimore also classifies under this head as being the "offspring of necessity" the intervention of the powers in Greece in 1856 (p. 567), and also quotes at least one earlier exercise of the right in the "conduct of Hiero, King of Syracuse, who, though an ally of Rome, sent aid to Carthage during the war of the auxiliaries" (p. 576).

Lawrence seems also to classify the British intervention in Egypt in 1882 under the head of self-defense (p. 133).

The authorities appear to regard this kind of intervention variously. Halleck states that this usually is a mere "*excuse*" (p. 96). Phillimore contends that "in cases like the foregoing (that is, the intervention in the French Revolution) the Right of Self-Defence justifies other nations in intervening and demanding and if necessary by force of arms compelling, the abolition of a Government

avowing a *principle* of hostility to the existing Governments of all other nations. But this, like the other grounds of Intervention, is very liable to be abused" (citing the partitions of Poland, p. 562).

Lawrence appears to approve the principle (p. 117), as does also Hall (pp. 264 *et seq.*, 279).[1]

Those classed as acts of self-preservation:

Hall, Phillimore, and Oppenheim treat the subject of "Self-Preservation" as distinct from the question of intervention, Phillimore, indeed, specifying as one of the grounds of intervention the closely allied "Right of *Self-Defense*." All three authors (Phillimore, p. 315; Hall, p. 265; Oppenheim, p. 180) cite the case of the destruction, in 1839, of the *Caroline* on the Niagara River by British forces crossing over into American territory as an instance of the exercise of this right. Phillimore adds (p. 315) the instance of the British Government sending troops to Portugal in 1826 (Portugal being her ally) in order to assist Portugal in meeting the mustering and equipment of Portuguese rebels on the Spanish frontier unchecked by the Spanish authorities. Hall (p. 268) and Oppenheim (p. 179) cite the seizure by the British forces in 1807 of the Danish fleet, which, under certain secret articles of the treaty of Tilsit, was to be used by France against England. Hall (p. 270) also cites in this connection the case of the *Virginius*, where Spain exercised the right of visit and search during the insurrection in Cuba, a state of belligerency not having been recognized. In the case of the *Virginius* the United States and Great Britain both protested against the summary execution of certain of their citizens and subjects found on board the vessel. Oppenheim (p. 180) also cites the case of Amelia Island, whose piratical inhabitants were put down by this Government because of their preying upon American commerce as an instance of this kind. Finally, Hall (pp. 273–277) classes under this heading of "Self-Preservation" the protection of subjects abroad. On this point further discussion will be made hereafter.

Regarding the right of self-preservation as contrasted with other alleged rights of intervention, Halls says (p. 284):

> It is unfortunate that publicists have not laid down broadly and unanimously that no intervention is legal, except for the purpose of self-preservation, unless a breach of the law as between states has taken place, or unless the whole body of civilised states have concurred in authorising it. Interventions, whether armed or diplomatic, undertaken either for the reason or upon the pretexts of cruelty, or oppression, or the horrors of a civil war, or whatever the reason put forward, supported in reality by the justification which such facts offer to the popular mind, would have had to justify themselves, when not authorised by the whole body of civilised states accustomed to act together for common purposes, as measures which, being confessedly illegal in themselves, could only be excused in rare and extreme cases in consideration of the unquestionably extraordinary character of the facts causing them, and of the evident purity of the motives and conduct of the intervening state. The record of the last hundred years might not have been much cleaner than it is; but evil-doing would have been at least sometimes compelled to show itself in its true colours; it would have found more difficulty in clothing itself in a generous disguise; and international law would in any case have been saved from complicity with it.[2]

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[1] *Right to Protect Citizens in Foreign Countries by Landing Forces* (2d rev. ed.), p. 9.

[2] *Ibid.*, pp. 21–22.

Those classed as acts of imminent danger:

Lawrence (p. 121), seemingly having in mind much the same idea as that covered by Hall and others under the heading of "Self-Preservation," instances the action of the British Government when, in 1804, the British Ministry discovered that Spain had entered into arrangements to assist France, then at war with England, and was preparing a naval armament in the harbor of Ferrol, and states that the Ministry were justified in commencing hostilities when their remonstrances were disregarded. Lawrence also instances the case of Austria in 1813, when that Government, at the close of an armistice granted by Napoleon after the battle of Bautzen, "joined Russia and Prussia against France, the reason being that the French Emperor had rejected its (Austria's) offers of mediation on the basis of reasonable concessions on his part, and had brought up the army of Italy to intimidate it."[8]

It is of first importance to have in mind that Monroe's declaration in its terms, relates solely to the relationships between European states on the one side, and, on the other side, the American continents, the Western Hemisphere, and the Latin American Governments which on December 2, 1823, had declared and maintained their independence which we had acknowledged.

It is of equal importance to note, on the other hand, that the declaration does not apply to purely inter-American relations.

Nor does the declaration purport to lay down any principles that are to govern the interrelationship of the states of this Western Hemisphere as among themselves.

The Doctrine states a case of United States *vs.* Europe, not of United States *vs.* Latin America.

Such arrangements as the United States has made, for example, with Cuba, Santo Domingo, Haiti, and Nicaragua, are not within the Doctrine as it was announced by Monroe. They may be accounted for as the expression of a national policy which, like the Doctrine itself, originates in the necessities of security or self-preservation—a policy which was foreshadowed by Buchanan (1860) and by Salisbury (1895), and was outlined in what is known as the "Roosevelt corollary" to the Monroe Doctrine (1905) in connection with the Dominican debt protocol of 1904; but such arrangements are not covered by the terms of the Doctrine itself.

Should it become necessary to apply a sanction for a violation of the Doctrine as declared by Monroe, that sanction would run against the European power offending the policy, and not against the Latin American country which was the object of the European aggression, unless a conspiracy existed between the European and the American states involved.

In the normal case, the Latin American state against which aggression was aimed by a European power, would be the beneficiary

[8] *Ibid.*, p. 22.

of the Doctrine not its victim. This has been the history of its application. The Doctrine makes the United States a guarantor, in effect, of the independence of Latin American states, though without the obligations of a guarantor to those states, for the United States itself determines by its sovereign will when, where, and concerning what aggressions it will invoke the Doctrine, and by what measures, if any, it will apply a sanction. In none of these things has any other state any voice whatever.

Furthermore while the Monroe Doctrine as declared, has no relation in its terms to an aggression by any other state than a European state, yet the principle "self-preservation" which underlies the Doctrine—which principle, as we shall see, is as fully operative without the Doctrine as with it—would apply to any non-American state in whatever quarter of the globe it lay, or even to an American state, if the aggressions of such state against other Latin American states were "dangerous to our peace and safety," or were a "manifestation of an unfriendly disposition towards the United States," or were "endangering our peace and happiness"; that is, if such aggressions challenged our existence.

In other words, there is a broad domain occupied by self-preservation which is incapable of definite boundary as to its extent, or of definition as to the kind of act which lies within it, because new conditions, new advances in the arts and sciences, new instrumentalities of international contact and communication, new political theories and combinations, vary from age to age and can not be certainly foretold. As the law stands, whatever falls within the necessities of self-preservation, under existing or future conditions, lies within the boundaries of the domain of the principle.

By his declaration President Monroe occupied and bounded but a narrow portion of this whole domain—that portion which contained situations immediately threatening. But that can hardly be said to have changed under the rules and principles of international law the fundamental character of the acts defined and bounded. These acts still remained within the domain of self-preservation, for, obviously, if they would constitute a menace to our existence, such menace would not disappear by virtue of their being listed.

In this view, the Monroe Doctrine as such might be wiped out and the United States would lose nothing of its broad, international right; it would still possess, in common with every other member of the family of nations, the internationally recognized right of self-preservation, and this right would fully attach to the matters specified by the Doctrine if and whenever they threatened our existence, just as the right would attach in relation to any other act carrying a like menace.

The Doctrine has been useful, and such indeed was the real motive of its announcement, and it will remain of such use that it should never be abandoned, as a forewarning to European powers as to what this country would regard, in a restricted field, as inimical to its safety. It has been equally useful to the Americas as forecasting our attitude towards certain international problems and relations in which they might be involved.

But, recalling that the Doctrine is based upon the recognized right of self-preservation, it follows (it is submitted) that by the specification of a few matters in the Doctrine, the United States has not surrendered its right to deal, as it may be compelled, and under the rules and principles of international law, with the many others which are unspecified as these may arise, which others might, indeed, have been included in the declaration with as much propriety, legally, as those which were mentioned. By naming either one act or a series of acts which challenges our self-preservation, we do not estop ourselves from naming others as they may arise; otherwise the mention of one such act would foreclose all others. The custom of nations shows that invoking the right as to one menace does not foreclose a power from invoking it as to others.

Moreover, by specifying a few of the world powers which, if they performed the prohibited acts, would bring themselves within the inhibitions of the Doctrine, the United States has not estopped itself from asserting the same principles against other and unnamed powers making the same sort of aggression. That against these other powers, the United States might, in its intervention, speak of the right of self-preservation and not of the Monroe Doctrine, would neither enlarge nor diminish its rights under international law as to the Monroe Doctrine or otherwise.

It is evident from the foregoing that the Monroe Doctrine is not an equivalent for "self-preservation"; and therefore the Monroe Doctrine need not, indeed should not, be invoked in order to cover situations challenging our self-preservation but not within the terms defined by Monroe's declaration. These other situations may be handled, and more wisely so, as matters affecting the national security and self-preservation of the United States as a great power.

It has been sometimes contended (see particularly the speech in the Senate by Senator Calhoun in 1848 regarding the situation in Yucatan) that the Doctrine was announced merely to meet the threatened aggressions of the European Alliance in 1823, and that the Doctrine became obsolete with the passing of this immediate threat. But this view is not supported by the language of the declaration which as to action "*by any European power*" (both as to colonization and interposition) is unlimited in time; nor by that part of the declaration which specifically mentions the "*allied*

powers" for here the declaration is couched in such general terms as to be, with sound reason, applied to any power or powers whatsoever who should, at any time, commit the aggressions against which the announced policy was aimed.

During the period since the Doctrine was announced there have been assertions at various times as to situations which were not objectionable to the Doctrine or to the principles underlying the same. In few of these instances has it been categorically asserted that the Monroe Doctrine did not cover the specific matter in question, the ruling or declaration having usually come in the form of a statement to the effect that some particular situation was not inimical to the interests of the United States.

The statement of the Doctrine itself that "with the existing colonies or dependencies of any European power we have not interfered and shall not interfere," has been more than once reiterated.

It has also been announced that the Monroe Doctrine is not a pledge by the United States to other American states requiring the United States to protect such states, at their behest, against real or fancied wrongs inflicted by European powers, nor does it create an obligation running from the United States to any American state to intervene for its protection.

Mr. Clay in 1828 asserted that the Monroe Doctrine was not applicable to wars as between American states, and it was likewise very early declared by Mr. Clay (1825) "that whilst the war is confined to the parent country and its former colony, the United States remain neutral, extending their friendship and doing equal justice to both parties."

Beginning in the second half of the last century (1861) the United States took the position that it would consider that Spain was "manifesting an unfriendly spirit toward the United States" if it should undertake the resubjection of certain of her former colonies, and this position was reiterated at later dates.

Commencing with 1825 and running on down through the whole of the last century it was repeatedly asserted that the Monroe Doctrine did not require the United States to prevent Europe from waging war against Latin American countries, and from almost as early a period down to the close of the century the principle was followed (as announced by Secretary Sherman in 1898) that it was not the duty of the United States "to protect its American neighbors from the responsibilities which attend the exercise of independent sovereignty."

The United States has at times jointly intervened with European countries in internal situations existing in the Latin Americas; at other times it has declined to participate in such intervention.

A popular feeling exists that the Monroe Doctrine is hostile to monarchical government as such, but this is not the fact. Monarchies have been set up in Brazil, Haiti, and Mexico without objection by the United States, and for many years we dealt with the Brazilian monarchy on terms and in language of sincere friendship. Even the establishment of the Maximilian Empire in Mexico was objected to not so much from the point of view of its being a monarchy as from the point of view that this monarchy was established and maintained by European troops.

One of the interesting suggestions that have been made by European powers is that the possession of colonies by that power upon this hemisphere makes of that possessing power an American state. This suggestion has, of course, not been acceptable to the United States.

The Monroe Doctrine has always been considered as covering a possession—either "temporary or permanent" (Forsyth, 1840)—of American territory by European powers, and in line with that principle, we have declared that the Monroe Doctrine forbade the occupation of American territory by such powers. President Roosevelt in his message of February 15, 1905, in relation to the situation in Santo Domingo, declared:

> An aggrieved nation can without interfering with the Monroe Doctrine take what action it sees fit in adjustment of its disputes with American States, provided that action does not take the shape of interference with their form of government or of the despoilment of their territory under any disguise.

At various times proposals have been made that the United States should join with Europe in neutralizing certain areas (notably Cuba) on this continent, but the United States has steadily declined to join in such an action. One of the classic notes that have been written regarding the relationship between the United States and the other Americas was penned by Secretary Everett on December 1, 1852, regarding a proposal to neutralize Cuba.

The so-called "Roosevelt corollary" was to the effect, as generally understood, that in case of financial or other difficulties in weak Latin American countries, the United States should attempt an adjustment thereof lest European Governments should intervene, and intervening should occupy territory—an act which would be contrary to the principles of the Monroe Doctrine. This view seems to have had its inception in some observations of President Buchanan in his message to Congress of December 3, 1860, and was somewhat amplified by Lord Salisbury in his note to Mr. Olney of November 6, 1895, regarding the Venezuelan boundary dispute.

As has already been indicated above, it is not believed that this corollary is justified by the terms of the Monroe Doctrine, however

much it may be justified by the application of the doctrine of self-preservation.

These various expressions and statements, as made in connection with the situations which gave rise to them, detract not a little from the scope popularly attached to the Monroe Doctrine, and they relieve that Doctrine of many of the criticisms which have been aimed against it.

Finally, it should not be overlooked that the United States declined the overtures of Great Britain in 1823 to make a joint declaration regarding the principles covered by the Monroe Doctrine, or to enter into a conventional arrangement regarding them. Instead this Government determined to make the declaration of high national policy on its own responsibility and in its own behalf. The Doctrine is thus purely unilateral. The United States determines when and if the principles of the Doctrine are violated, and when and if violation is threatened. We alone determine what measures if any, shall be taken to vindicate the principles of the Doctrine, and we of necessity determine when the principles have been vindicated. No other power of the world has any relationship to, or voice in, the implementing of the principles which the Doctrine contains. It is our Doctrine, to be by us invoked and sustained, held in abeyance, or abandoned as our high international policy or vital national interests shall seem to us, and to us alone, to demand.

It may, in conclusion, be repeated: The Doctrine does not concern itself with purely inter-American relations; it has nothing to do with the relationship between the United States and other American nations, except where other American nations shall become involved with European governments in arrangements which threaten the security of the United States, and even in such cases, the Doctrine runs against the European country, not the American nation, and the United States would primarily deal thereunder with the European country and not with the American nation concerned. The Doctrine states a case of the United States *vs.* Europe, and not of the United States *vs.* Latin America. Furthermore, the fact should never be lost to view that in applying this Doctrine during the period of one hundred years since it was announced, our Government has over and over again driven it in as a shield between Europe and the Americas to protect Latin America from the political and territorial thrusts of Europe; and this was done at times when the American nations were weak and struggling for the establishment of stable, permanent governments; when the political morality of Europe sanctioned, indeed encouraged, the acquisition of territory by force; and when many of the great powers of Europe looked with eager, covetous eyes to the rich, undeveloped areas of the American hemi-

sphere. Nor should another equally vital fact be lost sight of, that the United States has only been able to give this protection against designing European powers because of its known willingness and determination, if and whenever necessary, to expend its treasure and to sacrifice American life to maintain the principles of the Doctrine. So far as Latin America is concerned, the Doctrine is now, and always has been, not an instrument of violence and oppression, but an unbought, freely bestowed, and wholly effective guaranty of their freedom, independence, and territorial integrity against the imperialistic designs of Europe.

J. Reuben Clark

December 17, 1928.

MEMORANDUM
ON THE MONROE DOCTRINE

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STATEMENT OF THE DOCTRINE

The Monroe Doctrine was announced by President Monroe in his annual message of December 2, 1823. The President had two main situations in mind: that which existed on the northwest coast of this continent where Russia was proposing to extend her control; and that which existed with reference to the Spanish colonies in the Western Hemisphere which had thrown off the Spanish yoke and as to which there was some agitation in Europe for cooperation among certain European powers to resubject these Spanish colonies to Spanish or other monarchical rule. But the President seems also to have had in mind, in a relation other than that incident to colonization, the whole Western Hemisphere, outside of the United States.

As to our northwest coast—President Monroe first called attention to the desire of Russia "to arrange by amicable negotiation the respective rights and interests of the two nations on the northwest coast of this continent" as to which she had made a similar proposal to Great Britain and then affirmed the friendly disposition of the United States towards Russia and our solicitude to cultivate "the best understanding" with the Government of the Emperor of Russia. He then declared:

> . . . the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future colonization by any European powers.[1]

Later in his message, President Monroe called attention to the unsettled condition of European affairs, particularly with reference to Spain and Portugal, where the result which attended an effort to improve the people was not such as had been anticipated; and to the friendly sentiments entertained by the United States towards the liberty and happiness of their fellow men on the European side of the Atlantic, though we had never participated in their wars, "nor does it comport with our policy to do so." President Monroe then continued:

> . . . It is only when our rights are invaded or seriously menanced that we resent injuries or make preparation for our defense. With the movements

[1] Richardson's *Messages and Papers of the Presidents*, vol. II, p. 209.

in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective Governments; and to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the Governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power in any other light than as the manifestation of an unfriendly disposition towards the United States.[2]

Finally, after calling attention to our neutrality in the war between Spain and her colonies, to which we should continue to adhere "provided no change shall occur which, in the judgment of the competent authorities of this Government, shall make a corresponding change on the part of the United States indispensable in their security"; to the interposition "by force" of the allied powers "in the internal concerns of Spain"; to our policy, with reference to European wars, "not to interfere in the internal concerns of any of its powers; to consider the government *de facto* as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy, meeting in all instances the just claims of every power, submitting to injuries from none," President Monroe further declared,

But in regard to those continents circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can anyone believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition in any form with indifference. . . . It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course.[3]

The Six Prime Points of the Doctrine

An analysis of these declarations reveals that six prime matters are covered by President Monroe's message.

1. The "*American continents*" were not subject to colonization by *any European power*. This in terms certainly includes North

[2] Richardson's *Messages and Papers of the Presidents*, vol. II, p. 218.
[3] *Ibid.*, p. 219.

and South America. Impliedly, colonization is considered antagonistic or detrimental to the "free and independent condition which they" (the "American continents") "have assumed and maintained." The "rights and interests" of the United States were involved in this principle.

2. The United States would consider any attempt on the part of the "*allied powers*" to extend their system to any part of "*this hemisphere as dangerous to our peace and safety.*"

This in terms covered the "allied powers," at this time, Austria, France, Russia, and Prussia; it covered the whole Western hemisphere, those parts occupied by the Spanish colonies and other parts; it was aimed at the allied "system."

3. "With the existing colonies or dependencies of any European power we have not interfered and shall not interfere."

It would seem, having in mind the sentence following and the expressions of paragraph 49 of the message, that this sentence might be interpreted as indicating we would not have had, at that time, any objection to reconquest by Spain of the colonies which had gained and maintained their independence and which we had recognized. This is not clear beyond doubt, because later in his message, President Monroe declared that while it had become evident, looking at the comparative strength and resources of Spain and those colonial governments and their distance from each other, that Spain could never subdue them, yet we would leave the parties to themselves. (Of course later we took a definite position against reannexation or reconquest by Spain.)

4. With reference to Spanish colonies which had declared and maintained their independence and which we had recognized, the United States "could not view any interposition for the purpose of oppressing them or of controlling in any other manner their destiny, *by any European power*, in any other light than as the manifestation of an *unfriendly disposition towards the United States.*"

This declaration related to all European powers, not specifically excluding Spain; it specifically referred to the revolted Spanish colonies; it went beyond the reassumption of control over them by Spain or the extension to them of the allied "system"; it covered interposition in their affairs not only for the purpose of oppressing them, but for the purpose of controlling in any other manner their destiny by *any European power.*

5. Specifically, the United States declared that it was "impossible that the *allied powers* should extend their political *system to any part of either continent* without *endangering our peace and happiness.*" It was equally impossible that we should behold "such interposition" by the allied powers in any form with indifference.

This being directed against the *allied powers*, did not, *ex vi termini*, include Spain, and at this time Great Britain was not counted within the group that was popularly so designated.

6. It was still "the true policy of the United States" to leave the parties, that is, the revolted colonies and Spain, to themselves to adjust their difficulties as they saw fit.

This was the Monroe Doctrine. Under it future colonization by European powers was to be regarded as antagonistic or detrimental to the free and independent condition of these continents; the extension of the allied "system" to any part of this hemisphere was considered dangerous to our peace and safety; interposition by any European power, for the purpose of oppressing or controlling the destiny of the rebelled Spanish colonies which we had recognized was to be regarded as a manifestation of an unfriendly disposition towards the United States; our peace and happiness would be endangered should the allied powers extend their political system to any part of either continent, and the interposition of those powers in any form could not be viewed with indifference; the true policy of the United States was to leave Spain and her rebelled colonies to adjust their difficulties between themselves.

The Doctrine was thus one of self-preservation for the United States.

The provisions of the declaration fall obviously into two classes: those relating to "future colonization *by any European power*" on the "American continents"; and those relating to political operations, though the formula "interposition for the purpose of oppressing them, or controlling in any other manner their destiny" seems sufficiently broad to cover other than purely political "interpositions." The distinctly political inhibitions run against the allied powers, and "to any portion of this hemisphere," or, as stated in the second formula, "to any part of either continent"; the inhibitions as to "interposition" run against "any European power," and in terms relate to Spanish American "governments who have declared their independence and maintained it, and whose independence we have, on great consideration and just principles, acknowledged."

In this memorandum no attempt is made to trace separately the development of these different classes of inhibitions, nor to identify, as belonging to the one class or the other, the occasions on which the Doctrine or its underlying principles have been invoked by this Government.

The reason these matters were regarded by President Monroe and his Cabinet as antagonistic and detrimental, as dangerous to our peace and safety, as a manifestation of an unfriendly disposition towards the United States or as endangering our peace and happiness, is best understood when we consider the historical facts—the circumstances which at that time were in the minds of Monroe, Adams, Calhoun, Jefferson, and Madison. For it was the views and discussions of these men which lay behind and which shaped and framed the announcement which President Monroe made to the world, as well as determined the terms in which the declaration was couched.

Of the many historical facts, the recollection of which must have influenced these men in the consideration and disposition of the questions before them, the principal ones must have been these:

Intercolonial Wars

There were four principal intercolonial wars between the French and English colonies in America: King William's War (1689–1697), Queen Anne's War (1702–1713), King George's War (1744–1748), and the French and Indian War (1755–1763).

The causes and results of these wars shed a revealing light upon their relationship to and effect upon the growth and development of the colonies.

King William's War was the colonial echo of a war between England and France, Louis XIV having declared war against King William III as the usurper of the rights of James II, and England having declared war against Louis XIV "on account of his proceedings, which were hostile to the freedom and religion of England, not against the French."[1] At this time the British colonies stretched from the Bay of Fundy on the north to the Altamaha River on the south, and as far west as the Appalachian system of mountains. On the north of the British colonies was New France; to the west, was territory claimed by the French from occupancy of the Mississippi and by the English from occupancy of the coast; to the south, was Florida, then belonging to Spain.[2] The war was a costly experience for the American colonists in actual hardship and suffering, in men lost and injured, and in money. Sir William Phipps commanded a fleet which with 1800 New England militiamen captured Port Royal and Acadia, though the latter was afterwards lost. There were five years of bushranging along the New York and New England border. The treaty of Ryswick in 1697, restored the British and French colonies to their pre-war status.

Thus was fought and concluded a war in the causes and issues of which the colonies were in no wise concerned, for the support of which the colonists furnished more than their proportion of men and money, and at the end of which the mother powers in Europe

[1] Leopold von Ranke, *A History of England Principally in the Seventeenth Century*, vol. IV, p. 592.

[2] Reuben Gold Thwaites, *The Colonies*, Map No. 3.

adjusted their differences with a sovereign disregard of the interests of the colonists. All that the colonists had lost and endured went for naught.[6]

King William's War was immediately followed by what is known in Europe as the War of the Spanish Succession, and what is known in the United States as the *Queen Anne's War* (1702–1713). This war had its origin in the placing by Louis XIV of his grandson upon the throne of Spain and the acknowledgment or recognition by Louis XIV of James II as the rightful king of England.[7] The repercussion in the American colonies was virtually the same as that in King William's War. After two unsuccessful attempts, New England troops finally captured Acadia. The treaty of Utrecht (1713) ended the war in Europe and in the United States. This time England herself retained the country which her American colonies had conquered, the treaty recognizing England's right to Acadia.[8] Parkman points out that the colonies fought this war at a heavy expense for the place and time.

In neither the causes of this war, nor the issues thereof, were the colonies, British or French, concerned. They again fought because the mother countries were fighting, and because, being contiguous, they could reach one another's throats.

The third intercolonial war (*King George's War*) was the American echo of the War of the Austrian Succession which began in 1741. In Europe, war was declared because of the succession of Maria Theresa to the throne of Austria by virtue of the "pragmatic sanction" which was disapproved by England and Prussia but supported by France.[9] War broke out in the colonies because there was war in Europe. The chief operation in the colonies connected with this war was that incident to the capture by New England troops (assisted by troops from Pennsylvania, New Jersey, and New York) of the strong fortress of Louisburg on the Island of Cape Breton. This operation is perhaps the outstanding colonial military achievement of the entire colonial period. The treaty of Aix-la-Chapelle (1748) turned back to France this great fortress. Thwaites states that over this outcome "disappointment was openly expressed, and tended still further to strain the relations between the colonies and the motherland."[10]

Once more the colonies had expended quantities of blood and money in a conflict barren for them and originating in a European

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[6] Thwaites, *The Colonies*, pp. 253–254.

[7] Francis Parkman, *A Half-Century of Conflict*, vol. I, p. 2.

[8] *Ibid.*, p. 185.

[9] *Encyclopædia Britannica* (11th ed.) vol. XI, pp. 739, 861.

[10] Thwaites, *The Colonies*, p. 255, and *France in America*, pp. 111 *et seq.*; *Encyclopedia Americana*, vol. VI, p. 292.

war with the causes and issues of which they were not concerned. Belligerent parent countries and territorial contiguity were the sole colonial reasons for war.

The final intercolonial war, or the *Seven Years' War*, also called the French and Indian War (1755–1763), was the result of the coalition of France and other European powers against Prussia which was joined by England, "and between England and France as usual a maritime and colonial war broke out at the first pretext." By this time France had virtually made good her claim to the great Mississippi Valley which was known as Louisiana, the original colonies of France around and northeast of the Great Lakes being known as New France.[11]

This war, so far as the British colonies were concerned, gave Braddock's humuliating defeat, and Wolfe's brilliant victory. The war ended with the treaty of Paris (1763) which gave to England that part of the Mississippi Valley which lies east of the Mississippi River (excepting New Orleans) and north of the Ohio, and New France.[12]

While England benefited by this war, the British colonies themselves received only the indirect reward of the elimination of potentially hostile neighbors.

An accurate and complete statement of the cost to the American colonies in men, materials, and money is not possible. Statistics which have been found show that in the Seven Years' War alone not fewer than 30,000 colonists served in the armed forces, and not less than $20,000,000 were spent. Earlier wars drained the colonies proportionately.

So far as the colonies themselves were concerned, these wars netted them nothing. England, not the colonies, gained Acadia at the end of Queen Anne's War; and England, not the colonies, gained New France, that is Canada, and the northeast quarter of Louisiana, that is the area later known in American history as the Northwest Territory. In the causes of none of these wars were the colonies directly involved; in the outcome of none of them were they immediately concerned. The wars had been fought, colonial life had been freely given, large colonial funds had been expended, and great suffering and hardship had been endured merely because the mother countries in Europe were quarreling over matters, the outcome of which was in no way related to the colonies. The colonies were at war

[11] Thwaites, *The Colonies*, Map No. 4.

[12] Thwaites, *France in America*, chaps. 11–15, 18; George McKinnon Wrong, *The Conquest of New France*, chaps. 8 *et seq.*; articles on the "Northwest Territory," *Encyclopedia Americana*, vol. xx, p. 432 and *The New International Encyclopædia*, vol. xvii, p. 238.

because they were contiguous and the parent governments were fighting in Europe.

These were great historical facts regarding colonial history which must have been present in the minds of Monroe, Adams, Calhoun, Jefferson, and Madison in their discussions and framing of the Monroe Doctrine. It is not to be wondered at that they regarded European neighbors and the European system as dangerous to their peace and safety.

But there were other incidents growing out of the War of Independence and connected with our history immediately following our establishment as a sovereign state which must have been equally in the minds of the statesmen just named.

Relations with France

Since the Monroe Doctrine was, by explicit terms, directed against Europe and grew out of conditions in Europe which threatened to extend to this hemisphere, a proper appreciation of the background of the Doctrine and an understanding of the Doctrine itself, requires that an outline of the course of events in Europe from 1778 to 1823 should be in mind. To facilitate this, the following discussion incorporates the main events of European history having a direct bearing upon the evolution of the Doctrine, even though this considerably lengthens the discussion and retards its progress.

The first untoward incidents between ourselves and Europe arose out of our treaty relations with France.

On February 6, 1778—among the darkest hours of the entire Revolution with Washington at Valley Forge—Girard and Franklin negotiated with Louis XVI of France two treaties: One a treaty of amity and commerce, and the other a treaty of alliance.[13]

By Article 17 of the treaty of amity and commerce it was provided that the prizes taken by either of the parties during the war might be carried into the ports of the other nation where they should be free both from search and from examination concerning the lawfulness of such prizes, the capturing vessels having the right to depart and carry their prizes to the places expressed in their commissions. No shelter or refuge was to be given in the ports of either to any power which should have made prize of the subjects, people, or property of either of the parties.

By Article 22 it was stipulated that foreign privateers belonging to powers in enmity with either the United States or France should not be allowed to fit out or to sell their prizes in the ports of either party, or even to purchase victuals except such as should be necessary for a voyage to the next home port.

[13] Malloy, *Treatics, Conventions*, etc., vol. I, pp. 468 *et seq.*, 479 *et seq.*

By Article 23 it was provided that free ships should make free goods.

By Article 11 of the treaty of alliance a mutual guaranty between the two powers was created, the United States guaranteeing "the present possessions of the Crown of France in America, as well as those which it may acquire by the future treaty of peace," and France guaranteeing to the United States "their liberty, sovereignty and independence, absolute and unlimited, as well in matters of government as commerce, and also their possessions, and the additions or conquests that their confederation may obtain during the war, from any of the Dominions now, or heretofore possessed by Great Britain in North America."

By Article 12 it was provided "that in case of a rupture between France and England the reciprocal guarantee declared in the said article [Article 12] shall have its full force and effect the moment such war shall break out." As stated, these treaties both bore the date 1778.

The first decade following the making of these treaties saw the winning of our independence, the period of the confederation, the framing and adoption of the Constitution, and in 1789 George Washington took the oath of office as President of the United States.

In France, 1789 saw the storming of the Bastile (July 14), the abolition by the Constituent Assembly of feudal privileges (August 4), the march of the mob to Versailles, and the bringing of the King to the Tuileries (October 5, 6). The events, which followed in France, of 1790 and 1791 produced a shudder of terror among all the benevolent despots of Europe. In August 1791, Frederick William II of Prussia and Emperor Leopold II of Austria, joined in the Declaration of Pillnitz in which the two rulers declared that the restoration of order and of monarchy in France was an object of "common interest to all sovereigns of Europe." [14]

On April 20 of the following year (1792), Louis XVI declared war against Austria and Prussia with Lafayette in command. Thus began a war which was to continue for 23 years, a "contest between the forces of revolution and those of reaction." [15]

Following the insurrection of August 9 and 10, 1792, which resulted in the suspension of the King, the National Convention assembled on September 21.[16] The Convention remained in session for three years (1792 to 1795), constituting the second phase of the French Revolution. Louis XVI was executed in January 1793.[17]

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[14] Carlton J. H. Hayes, *A Political and Social History of Modern Europe*, vol. I, p. 496.

[15] *Ibid.*, p. 499.

[16] *Ibid.*, pp. 500–502.

[17] *Ibid.*, p. 503.

In the latter part of 1792 the French Government accredited M. Genêt as Minister to the United States.

Jefferson forecasts certain elements of the Monroe Doctrine, 1793

On March 22, 1793, a month before the issuance of Washington's Proclamation of Neutrality in the European war and two weeks before the arrival of Genêt in the United States, Jefferson, writing to Messrs. Carmichael and Short, American Ministers to Spain, said:

> It is intimated to us in such a way as to attract our attention, that France means to send a strong force early this spring to offer independence to the Spanish-American colonies, beginning with those on the Mississippi, and that she will not object to the receiving those on the east side into our Confederation. Interesting considerations require that we should keep ourselves free to act in this case according to circumstances, and consequently that you should not, by any clause of treaty, bind us to guarantee any of the Spanish colonies against their own independence, nor indeed against any other nation. For, when we thought we might guarantee Louisiana on their ceding the Floridas to us, we apprehended it would be seized by Great Britain, who would thus completely encircle us with her colonies and fleets. This danger is now removed by the concert between Great Britain and Spain, and the times will soon enough give independence, and consequently free commerce to our neighbors, without our risking the involving of ourselves in a war with them.[18]

Here seems the germ of the actuating motive which lay behind the Monroe Doctrine. It is the earliest expression found which draws the distinction between American political interests versus European political interests. It brought into view the danger that would come to us upon the transfer of American territory from one European power to another, and that would result from our being encircled by colonies planted and fostered by European powers.

Genêt's mission

The new threat which the European war held for us was foreshadowed when Gouverneur Morris, our Minister to France, reported to the Secretary of State under date of March 7, 1793, that "M. Genêt took out with him three hundred blank commissions, which he is to distribute to such as will fit out cruisers in our ports to prey on the British commerce." [19]

Events in Europe and our treaty relations with France raised in the mind of Washington a number of questions which he submitted to his Cabinet on the 18th of April, 1793. These were: First, should the United States issue a proclamation of neutrality covering the war in Europe; secondly, should a minister from the Republic of France be received; thirdly, if received, should it be absolute or with

[18] John Bassett Moore, *A Digest of International Law*, vol. VI, p. 369.
[19] *American State Papers, Foreign Relations*, vol. I, p. 354.

qualifications; and fourthly, was the United States obliged to consider the treaties previously made with France as still in force.[20]

Genêt arrived in Charleston, South Carolina, on April 8, 1793, and immediately fitted out and commissioned a number of privateers to prey on British commerce. On April 22, 1793, Washington published his Proclamation of Neutrality, the first in the history of the United States.

American system of neutrality

Thus was begun the American system of neutrality which Jefferson as Secretary of State at once proceeded to amplify and explain. On June 5, 1794, Congress passed the first so-called neutrality act.[21] This policy (said Hall, the great English publicist)

> constitutes an epoch in the development of the usages of neutrality. There can be no doubt that it was intended and believed to give effect to the obligations then incumbent upon neutrals. But it represented by far the most advanced existing opinions as to what those obligations were; and in some points it even went further than authoritative international custom has up to the present time advanced. In the main however it is identical with the standard of conduct which is now adopted by the community of nations.[22]

Genêt, however, continued to violate American neutrality by fitting out privateers, by having French consuls sitting as courts of admiralty condemn French prizes in United States ports, by enlisting American citizens, and even by capturing vessels within the jurisdiction of the United States.[23]

Genêt defended all these proceedings as being not only conformable to the rights guaranteed to France by the treaties between the two nations, but also as within the principles of neutrality. This position was contraverted by Jefferson but to no purpose. Genêt expressed contempt for the opinions of the President and questioned the President's authority.[24] Things had come to such a pass that by the 16th of August, 1793, Morris was instructed to ask for Genêt's recall, a request which he communicated in an interview of the 8th of October, and which was granted by a note of the 10th of October in which the French Government declared that "the proceedings and criminal maneuvers of the citizen Genêt" were not in accordance with his instructions. It is interesting to note that Genêt's successor demanded his arrest and punishment, a demand which the United States refused "upon reasons of law and magnanimity."[25] At this particular moment the French Government,

[20] Moore, *ibid.*, vol. v, p. 589.
[21] 1 Stat. L., p. 381.
[22] William Edward Hall, *A Treatise on International Law* (6th ed.), p. 587.
[23] Moore, *ibid.*, vol. VII, pp. 880, 886.
[24] Moore, *International Arbitrations*, vol. v, p. 4410.
[25] *Ibid.*

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for reasons unnecessary to develop, appears not to have desired to invoke the terms of the treaty of alliance.

Thus even at this early period of our national history we were brought within the shadow of a war with our treaty ally because of our refusal to carry out acts of belligerency in connection with a European war with which we had no more concern than we had had with the wars which induced our intercolonial conflicts. It was now again demonstrated to American statesmen that political affiliations and associations with European powers, no matter what their origin nor how benevolent their purpose, always involved us in difficulty. As Washington was to say some three years later, "Europe has a set of primary interests which to us have none or a very remote relation."

French decrees and British orders in council, 1793–1795

But the conflict in Europe involved us not alone with France but also with Great Britain, and beginning with the decree of the French National Convention of May 1793, and the British order in council of the 8th of June of the same year, the French and the British Governments began the issuance of a series of decrees and orders in council which harassed American commerce beyond quiet endurance, these decrees and orders being based, as Mr. Moore puts it, in the "exorbitant pretensions on the part of the belligerent powers to regulate and control the trade of neutrals."[26] These decrees with their resulting harassments continued through 1793, 1794, and 1795. The United States was suffering grievances almost beyond endurance, grievances which were the result of matters and conditions with which we had no proper relation whatever.

The year 1795 saw the breaking up of the First Coalition against France by reason of the brilliant military campaigns of the French carried on by young Republican generals under the general direction of Carnot, the "organizer of defense," who in the hour of victory became the "organizer of victory."[27]

Washington's Farewell Address

With these experiences as a background, both those of colonial times and those happening after the beginning of our national life, Washington in his farewell address, September 17, 1796, warned the American people against political affiliations with Europe. In the course of this address he said:

> The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations to have with them as little *political* connection as

[26] *International Arbitrations*, vol. 1, p. 299.

[27] Hayes, *A Political and Social History of Modern Europe*, vol. 1, pp. 505–506.

possible. So far as we have already formed engagements let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. . . .

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs that honesty is always the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But in my opinion it is unnecessary and would be unwise to extend them.[28]

Washington thus developed beyond the earlier intimations of Jefferson, principles which underlay the Monroe Doctrine. His personal experience with European controversies in which we had no concern, began with the tragic defeat of Braddock. He knew the cost, the hardship, and the cruelty of Indian and border warfare; he appreciated the emptiness which even the most far-reaching victory had for the colonies because of the selfish interests of the powers in Europe. It cannot cause surprise, therefore, that he should formally affirm that Europe "must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns," that "it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her [Europe's] politics or in the ordinary combinations and collisions of her friendships or enmities"; for, as he further says, "Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?"

This is the first distinct suggestion of an America that is to be distinct from Europe, a principle which Pozzi di Borgo, Russian Ambassador to Paris, in 1812 perceived to be a guiding one in American policy,[29] and a principle which was to be more precisely stated by Jefferson in 1823. Its basis, as declared by Washington, was "*our peace and prosperity.*"

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[28] Richardson's *Messages and Papers of the Presidents*, vol. I, pp. 222–223.

[29] Walter Alison Phillips, *The Confederation of Europe*, p. 90.

Rupture with France

The apprehensions which lay behind Washington's admonitions were fully justified. The First Coalition against France had crumbled under the impact of French victories. Then came Bonaparte, and the years 1796–1797 saw the first Italian campaign with its own string of brilliant victories leading to the treaty of Campo Formio; 1798 saw Napoleon in his nonconclusive Egyptian campaign.[30]

As an incident of these belligerent operations under Bonaparte the French Directory on March 2, 1797, promulgated a new decree requiring that "neutral ships laden in whole or in part with enemy's property should be captured, and that all such property found on board should be deemed good prize."[31] This was obviously designed to injure the European enemies of France.

It was, in fact, another blow to American commerce and, with the others which had preceded, proved so severe that on March 25, 1797, Adams convened an extra session of Congress to which on May 16, 1797, he sent a special message that dealt with the situation existing between the United States and France as to the injuries which the French policy was inflicting upon the interests of the United States. This message commended to the consideration of Congress the taking of measures to protect the commerce of the United States by equipping frigates and providing other vessels of inferior force "to take under convoy such merchant vessels as shall remain unarmed"; it suggested that Congress seriously "deliberate whether the means of general defense ought not to be increased by an addition to the regular artillery and cavalry, and by arrangements for forming a provisional army." Adams also recommended for the consideration of Congress "a revision of the laws for organizing, arming and disciplining the militia, to render that natural and safe defense of the country efficacious."[32]

Adams announces certain principles of the Monroe Doctrine

In this message Adams adverted to the truth "that we ought not to involve ourselves in the political system of Europe, but to keep ourselves always distinct and separate from it if we can"; that "continual information of the current chain of events" was necessary "in order to the discovery of the efforts made to draw us into the vortex, in season to make preparations against them"; and that "it would be doing wrong to one-half of Europe, at least, if we should voluntarily throw ourselves into either scale."

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[30] Hayes, *A Political and Social History of Modern Europe*, vol. I, p. 515.
[31] Moore, *International Law Digest*, vol. V, p. 598.
[32] Richardson's *Messages and Papers of the Presidents*, vol. I, pp. 233, *et seq.*

The actual text of this part of President Adams' address reads as follows:

> Although it is very true that we ought not to involve ourselves in the political system of Europe, but to keep ourselves always distinct and separate from it if we can, yet to effect this separation, early, punctual, and continual information of the current chain of events and of the political projects in contemplation is no less necessary than if we were directly concerned in them. It is necessary, in order to the discovery of the efforts made to draw us into the vortex, in season to make preparations against them. However we may consider ourselves, the maritime and commercial powers of the world will consider the United States of America as forming a weight in that balance of power in Europe which never can be forgotten or neglected. It would not only be against our interest, but it would be doing wrong to one-half of Europe, at least, if we should voluntarily throw ourselves into either scale. It is a natural policy for a nation that studies to be neutral to consult with other nations engaged in the same studies and pursuits. At the same time that measures might be pursued with this view, our treaties with Prussia and Sweden, one of which is expired and the other near expiring, might be renewed.[33]

Thus again was recited the necessity that America should have no political affiliations with Europe in order to keep clear of her conflicts. There should be a European political system and an American political system.

Desirous, however, of avoiding an open break with France it was determined to make one more effort to adjust the differences between the two nations, and accordingly Charles Cotesworth Pinckney, Elbridge Gerry, and John Marshall were sent to France as envoys extraordinary and ministers plenipotentiary to attempt to negotiate an adjustment. Talleyrand was Minister of Foreign Affairs for France.

Negotiations were still in progress when on January 18, 1798, the French Directory issued a new decree declaring—

> that every vessel found at sea loaded in whole or in part with merchandise the production of England or her possessions should be good prize, whoever the owner of the goods or merchandise might be; and that every foreign vessel which in the course of her voyage should have entered an English port should not be admitted into the ports of France except in cases of necessity.[34]

By the beginning of April 1798, negotiations had reached such an impasse as between Talleyrand and the American plenipotentiaries that Pinckney and Marshall left Paris, thus anticipating instructions sent them on March 23 that they should demand their passports and return to the United States if on the receipt of the instructions, fully authorized persons had not been named to deal

[33] *Ibid.*, p. 238.
[34] Moore, *ibid.*, p. 603.

with them. Gerry remained till the end of July but was then recalled.[35] Thus a diplomatic rupture between the two countries was brought about. During the residence of these ministers in Paris and their attempted negotiations, there occurred the "XYZ" episode in which there seemed to be an effort to induce the United States to pay a great sum of money in exchange for a promised mitigation by France of her harassment of American commerce. It was at a public dinner given to Marshall at Philadelphia on his return from his unsuccessful mission to France that, with reference to this suggested transaction, the famous expression was coined: "Millions for defence but not a cent for tribute."[36]

"War" with France

Adams had kept Congress fully advised of the progress of these negotiations with the result that that body had, even before the reception of the final correspondence between Talleyrand and the plenipotentiaries, and before the return of Marshall and Pinckney, passed an act dated May 28, 1798, "authorizing the President of the United States to raise a Provisional Army,"[37] and on the same day a second act "more effectively to protect the Commerce and Coasts of the United States."[38] On June 13, 1798, Congress passed an act "to suspend the commercial intercourse between the United States and France, and the dependencies thereof";[39] on June 22, the act authorizing the President of the United States to raise a provisional army was amended;[40] on June 25, 1798, an alien enemy act was passed, amended July 6;[41] on the same day, June 25, another act was passed "to authorize the defense of Merchant Vessels of the United States against French depredations";[42] on June 28 was passed "an Act in addition to the act more effectively to protect the Commerce and Coasts of the United States";[43] on July 6 "an Act providing Arms for the Militia throughout the United States";[44] and on July 7 "an Act to declare the treaties heretofore concluded with France, no longer obligatory on the United States."[45]

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[35] Moore, *International Law Digest*, vol. v, p. 604.
[36] Moore, *Principles of American Diplomacy*, p. 59.
[37] 1 Stat. L., p. 558.
[38] *Ibid.*, p. 561.
[39] *Ibid.*, p. 565.
[40] *Ibid.*, p. 569.
[41] *Ibid.*, pp. 570, 577.
[42] *Ibid.*, p. 572.
[43] *Ibid.*, p. 574.
[44] *Ibid.*, p. 576.
[45] *Ibid.*, p. 578.

The post of commander in chief was tendered to and accepted by Washington.[46]

Thus the United States was practically at war with France, the France which had given us vital aid both in men and in money in our struggle for independence, the France for whom the great bulk of our people had feelings of real affection, and with whom we had an actual treaty of alliance. A contiguous, active French colony would have meant the customary border warfare with its murders, burnings, scalpings, and tortured captives.

This deplorable situation came to us because of a war with the causes and issues of which we had no real relation, with all of the parties to which we ardently wished to be friends, from the outcome of which we had nothing to gain as war prize; a situation inflicted upon us, a young, weak nation, by old powerful European belligerents. European politics, not American, were controlling the world.

All this was known to every responsible man in the Government at that time.

It was at about this time that the question of the disposition to be made of the territory of Louisiana—the vast area lying to the west and southwest of the colonies—came under active discussion. The experiences of the past and the then present gave to this question a poignant concern for the United States.

In a diary entry bearing date of January 30, 1798, Mr. Rufus King, then our Minister to Great Britain, records that "several hints and suggestions from high authority have induced me to believe that Engd. is desirous of attempting to separate So. America from Spain; and that the ministry calculate upon the probable cooperation of the U. S. of A."[47]

Under this same date Mr. King also records a conversation with General Miranda who stated that he had been "engaged in a project for the liberation of S. America under the auspices of France in the first stages of the French Revolution."[48] It appears from King's further record of the conversation with Miranda that the latter was then engaged in conversations with British authorities with a view to securing their cooperation in separating the Spanish colonies from the mother country.[49]

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[46] Moore, *International Law Digest*, vol. v, p. 605.

[47] *The Life and Correspondence of Rufus King*, vol. III, p. 556.

[48] *Ibid.*

[49] *Ibid.*

British Policy "Vis-à-Vis" Spanish Colonies, 1798

On February 15, 1798, King records that Lord Grenville, in the course of a conversation which was based upon a statement by King that Miranda was still there, stated:

> If Spain shd. be able to preserve her independence and prevent a Revolution in her Govt., they shd. not enter into the project respecting S. Amer.; but if it was really to be apprehended Spain shd. fall beneath the control of France, then it was their intention to endeavour to prevent France from gaining to their cause the resources of So. America. In this event they shd. immediately open their views and commence a negotiation upon the subject with the U. S.[80]

Thus nearly twenty-five years before Canning made to Rush the British approaches regarding the Spanish American colonies, British policy in this connection was in the shaping and was communicated to our representative at St. James. Britain had evidently determined that the Spanish American colonies should not fall into the hands of any European power, except perhaps herself, which she seemingly appreciated would be impossible; and, as later events showed, was willing that the Spanish possessions should in part come to us and be free in part. Specifically, these colonies should not go to France because Britain did not intend the French should gain "to their cause the resources of South America."

In a memorandum of conversation dated September 22, 1798, King, reporting a conference with Lord Hawkesbury, stated that he had told Hawkesbury concerning Louisiana that "we disliked the reported transfer to France, shd. use amicable means to prevent it, and shd. in short be unwilling that Louisiana shd. pass into the hands of new proprietors." To Lord Hawkesbury's statement that there "could be no doubt that France had obtained a cession of it," which was followed by a question from King as to what means England would take to prevent the French from taking possession of it and whether England had any views of taking possession of Louisiana, Lord Hawkesbury replied that they had a well-conceived military project for the purpose of preventing the taking of possession of Louisiana by France, but he (Hawkesbury) did not approve of the same. He continued:

> With regard to foreign conquests, he had a fixed opinion that they did not want adl. colonies—colonies to a certain extent were if well governed useful, but if multiplied too much and widely dispersed it was only extending the points wh. they wd. be obliged to defend, and weakening the Empire. France, however, seemed at present to entertain different opinions and notwithstanding her encrease of territory near home, was never more solicitous to obtain distant and numerous colonies. At present Eng. had no thoughts of an ex-

[80] *The Life and Correspondence of Rufus King*, vol. III, p. 561.

pedition to the Mississippi and they wd. adopt one at no time but with the view of holding something to give up at Peace.[51]

Thus our representative in Great Britain, twenty-five years before the announcement of the Monroe Doctrine, and within six months from the time he had received from Lord Grenville a statement of the British position respecting Spanish colonies in South America, declared to Lord Hawkesbury one of the basic elements of the Monroe Doctrine: namely, that we would be unwilling that certain European possessions "should pass into the hands of new proprietors"—one of the basic principles of the Monroe Doctrine.

Returning to our affairs with France, Adams on June 21, 1798, congratulated Congress upon the return of Marshall and Pinckney, and declared: "I will never send another Minister to France without assurances that he will be received, respected, and honored as the representative of a great, free, powerful and independent nation."[52]

The treatment of the American plenipotentiaries by Talleyrand in Paris raised such a storm of protest in the United States that Talleyrand, influenced also by the measures adopted by Congress, informed the American Minister at The Hague that "whatever plenipotentiaries the Government of the United States might send to France, in order to terminate the existing differences between the two countries, he would undoubtedly be received with respect due to the representatives of a free, independent and powerful nation."[53]

Accordingly, Chief Justice Ellsworth, William R. Davie (in lieu of Patrick Henry who was first appointed but who was obliged to decline on account of advancing age) and Mr. Murray were appointed as American plenipotentiaries and proceeded to Paris. Negotiations begun in April 1800 culminated in a convention signed on September 30, 1800, which, while avowedly leaving certain matters open for further determination, did reach an agreement upon other matters and, most important of all, so adjusted the difficulties between the two Governments as to preclude actual war.[54]

On the day following the signature of the convention with the United States, that is, on October 1, 1800, Spain re-ceded to France the Louisiana territory by a treaty which was kept secret and the existence of which was stoutly denied for many months, certainly as late as November 1801.[55]

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[51] *Ibid.*, p. 572.

[52] Moore, *International Law Digest*, vol. v, pp. 604–605.

[53] *Ibid.*, p. 606.

[54] *Ibid.*, pp 606–612.

[55] *Ibid.*, p. 613; vol. I, pp. 433 *et seq.*

This cession was a violation of the principle laid down by King and of the Doctrine later announced by Monroe, as that Doctrine has been interpreted.

Meanwhile the Second Coalition against France had been formed and by a series of victories there was retaken from France much that had been obtained as a result of the war with the First Coalition and of Bonaparte's first Italian campaign. Bonaparte returned from Egypt (he landed in France October 9, 1799); on November 10, 1799, he deposed the Directory, and secured for himself the appointment to supreme military command which was soon followed by the promulgation of a new constitution under which General Bonaparte became First Consul of the French Republic.[56] By his brilliant crossing of the Alps and victory at Marengo, and with Moreau's victory at Hohenlinden, Napoleon compelled Austria to give peace by the treaty of Lunéville, 1801, and negotiations brought peace with England through the treaty of Amiens, March 1802.[57]

Acquisition of Louisiana

These arrangements brought to France a period of temporary respite from extensive military operations, during which the United States acquired the territory of Louisiana.[58]

Certain expressions which occur in the diplomatic correspondence regarding the purchase of Louisiana by the United States show the further development of ideas which were later embodied in the Monroe Doctrine. These expressions are to be found in the diplomatic exchanges between the United States and Great Britain through our Minister King, then at St. James; between Livingston and Monroe, our plenipotentiaries to France, on the one hand and French authorities on the other; between Mr. Pinckney, the American Minister to Spain, and the Spanish Government; and between Mr. Madison, then Secretary of State, and the American diplomatic representatives at London, Paris, and Madrid.

Hawkesbury discusses Louisiana

Writing to the Secretary of State under date of June 1, 1801, Mr. King reported an interview which he had had with Lord Hawkesbury at the latter's request in the following language:

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[56] Hayes, *A Political and Social History of Modern Europe*, vol. I, pp. 516–517; Moore, *International Law Digest*, vol. V, p. 608.

[57] Hayes, *ibid.*, pp. 516–527.

[58] *The Life and Correspondence of Rufus King*, vol. III, pp. 468–469; vol. IV, pp. 1–163; Moore, *ibid.*, vol. I, pp. 433–438; vol. V, pp. 614–615; *American State Papers, Foreign Relations*, vol. II, pp. 506 *et seq.*; Hayes, *ibid.*, pp. 528 *et seq.*; Moore, *International Arbitrations*, vol. V, pp. 4433–4434.

On this occasion among other topics of conversation, his Lordship introduced the subject of Louisiana; he had from different quarters received information of its cession to France, and very unreservedly expressed the reluctance with which they should be led to acquiesce in a measure that might be followed by the most important consequences; the acquisition might enable France to extend her influence and perhaps her dominion up the Mississippi and thro' the Lakes even to Canada; this would be realising the plan, to prevent the accomplishment of which the seven years war took place, besides the vicinity of the Floridas to the West Indies and the facility with which the Trade of the latter might be interrupted and the Islands even invaded, should the transfer be made, were strong reasons why England must be unwilling that this territory should pass under the dominion of France. As I could not mistake his Lordship's object in speaking to me upon this Subject, I had no difficulty nor reserve in expressing my private sentiments respecting it, taking for my text, the observation of Montesquieu "that it is happy for Trading Powers, that God has permitted Turks and Spaniards to be in the world. since of all nations they are the most proper to possess a great Empire with insignificance." The purport of what I said was that we are content that the Floridas remain in the hands of Spain, but should be unwilling to see them transferred except to ourselves.[59]

King discusses the Floridas

Thus to the general objection which Grenville expressed early in 1798 to the acquisition of Spanish South American colonies by France (see above), Hawkesbury now added a specific objection to the acquisition by France of the territory of Louisiana. While the earlier British objections to the French acquisition of Spanish South America was put upon the augmentation of French resources by those which it might derive from the colonies, the objection which Hawkesbury now voiced to the acquisition by France of Louisiana territory was the potential danger it had to the British colonies in the northern Mississippi Valley and Canada. So it appears that British opinion and policy were definitely shaping; and the course of that policy was laid down to accord with British interests.

On the other hand, King in his comments to Hawkesbury announced as to the Floridas the same doctrine which he had expressed with reference to Louisiana in 1798 when he stated that we should "be unwilling that Louisiana should pass into the hands of new proprietors." (See above.) He now states that:

The purport of what I said was that we are content that the Floridas remain in the hands of Spain but should be unwilling to see them transferred except to ourselves.[60]

This expression goes indeed a step farther than the announcement about Louisiana which merely contemplated that the *status quo* should be maintained and did not expressly look to a transfer to our-

[59] *The Life and Correspondence of Rufus King*, vol. III, p. 469.
[60] *Ibid.*

selves; King now enlarges his view to include a possible acquisition of the Floridas by ourselves. This was probably due to his knowledge that we had in mind the possible acquisition of Louisiana by the United States.

Madison objects to transfers of territories

In June 1801, eight days after Mr. King had the conversation narrated above with Lord Hawkesbury (and of course before news of that conversation had time to reach Washington), Secretary Madison instructed Charles Pinckney at Madrid in the following language. (It will be recalled that as a matter of fact Spain had re-ceded Louisiana to France on October 1, 1800.)

On different occasions since the commencement of the French revolution, opinions and reports have prevailed that some part of the Spanish possessions, including New Orleans and the mouth of the Mississippi, had been or was to be transferred to France. Of late, information has been received through several channels, making it probable that some arrangement for that purpose has been concerted. Neither the extent of the cession, however, nor the consideration on which it is made, is yet reduced to certainty and precision. The whole subject will deserve and engage your early and vigilant inquiries, and may require a very delicate and circumspect management. What the motives of Spain in this transaction may be, is not so obvious. The policy of France in it, so far, at least, as relates to the United States, cannot be mistaken. Whilst she remained on the footing of confidence and affection with the United States, which originated during our revolution, and was strengthened during the early stages of her own, it may be presumed that she adherred to the policy which, in the treaty of 1778, renounced the acquisition of continental territory in North America; and was more disposed to shun the collisions threatened by possessions in that quarter, coterminous with ours, than to pursue objects to which the commanding position at the mouth of the Mississippi might be made subservient. Circumstances are not now the same. Although the two countries are again brought together by stipulations of amity and commerce, the confidence and cordiality which formerly subsisted have had a deep wound from the occurrences of late years. Jealousies probably still remain, that the Atlantic States have a partiality for Great Britain, which may, in future, throw their weight into the scale of that rival. It is more than possible, also, that, under the influence of those jealousies, and of the alarms which have at times prevailed, of a projected operation for wresting the mouth of the Mississippi into the hands of Great Britain, she may have concluded a pre-occupancy of it by herself to be a necessary safeguard against an event from which that nation would derive the double advantage of strengthening her hold on the United States, and of adding to her commerce a monopoly of the immense and fertile region communicating with the sea through a single outlet. This view of the subject, which suggests the difficulty which may be found in diverting France from the object, points, at the same time, to the means that may most tend to induce a voluntary relinquishment of it. She must infer, from our conduct and our communications, that the Atlantic States are not disposed to enter, nor are in danger of being drawn, into partialities towards Great Britain unjust or injurious to France; that our political and commercial interests afford a sufficient guaranty against such a State of things; that, without the co-operation

of the United States. Great Britain is not likely to acquire any part of the Spanish possessions on the Mississippi; and that the United States never have favored, nor, so long as they are guided by the clearest policy, ever can favor, such a project. She must be led to see again, and with a desire to shun, the danger of collisions between the two republics, from the contact of their territories; and from the conflicts in their regulations of a commerce involving the peculiarities which distinguish that of the Mississippi. Such are the general observations which the President has thought it proper should be communicated to you; that, knowing the light in which the subject is viewed by him, you may be less in danger of presenting it in any other.[61]

It will be observed here that, after pointing out the probable attitude of Spain and France, respectively, with reference to the Louisiana territory and the United States, and also the relationship between France, Spain, and Great Britain toward the same areas and toward the United States, and of France's intent to acquire Louisiana, Madison states that:

France . . . must infer, from our conduct and our communications, that the Atlantic States are not disposed to enter, nor are in danger of being drawn, into partialities towards Great Britain unjust or injurious to France; that our political and commercial interests afford a sufficient guaranty against such a State of things; that, without the co-operation of the United States, Great Britain is not likely to acquire any part of the Spanish possessions on the Mississippi; and that the United States never have favored, nor, so long as they are guided by the clearest policy, ever can favor, such a project. She [France] must be led to see again, and with a desire to shun, the danger of collisions between the two republics, from the contact of their territories; and from the conflicts in their regulations of a commerce involving the peculiarities which distinguish that of the Mississippi.

Here in 1801 is a statement by Madison himself of the principle that the United States "never have favored, nor, so long as they are guided by the clearest policy, ever can favor," the acquisition of any part of the Spanish possessions on the Mississippi by Great Britain. There is also the statement that France should understand "the danger of collisions" between France and the United States "from the contacts of their territories" and from the conflicts which will arise from the regulations of the Mississippi commerce.

There is the further statement of an impartiality on the part of the United States as between and among the various European powers.

It is significant that Madison states these are the "general observations which the President has thought it proper should be communicated to you." Thus these may be regarded as the views not alone of Madison but of Jefferson also.

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[61] *American State Papers, Foreign Relations*, vol. II, p. 510.

Secretary Madison, under date of September 28, 1801, instructing Robert R. Livingston prior to his departure as Minister to France, said:

From different sources information has been received that, by some transaction concluded, or contemplated between France and Spain, the mouth of the Mississippi, with certain portions of adjacent territory, is to pass from the hands of the latter to the former nation. Such a change of our neighbors in that quarter is of too momentous concern not to have engaged the most serious attention of the Executive. . . . You will probably find it advantageous to press, in a particular manner, the anxiety of the United States to maintain harmony and confidence with the French republic, the danger to which these will be exposed by collisions, more or less inseparable from a neighborhood under such circumstances, and the security which France ought to feel that it cannot be the interest of this country to favor any voluntary or compulsive transfer of the possessions in question from Spain to France.

Among other topics to be employed on the occasion, you may, perhaps, find it eligible to remark on the frequent recurrence of war between France and Great Britain, the danger to which the Western settlements of the United States would be subject of being embroiled by military expeditions between Canada and Louisiana, . . .

. . . In the next place, it will deserve to be tried whether France cannot be induced to make over to the United States the Floridas, if included in the cession to her from Spain, or at least West Florida, through which several of our rivers, particularly the important River Mobile, empty themselves into the sea.[62]

This instruction obviously stresses two points to which reference has already been made as possibly in the minds of the framers of the Monroe Doctrine—the dangers incident to mere territorial contiguity as such and to the neighborhood of colonies belonging to rival European powers who might be frequently at war.

Further British expression

Notwithstanding that Lord Hawkesbury had stated that he did not think the cession of Louisiana to France "wd. soon become of importance,"[63] yet on January 16, 1802, King (London) writing to Livingston (Paris) stated that he had—

conversed again and again with the Prime Minister and Secretary of State for Foreign Affairs concerning the cession of Louisiana, who assured me that the measure was in their view of much importance, and one which they could not see but with great concern; nevertheless that they were unable to interfere respecting it, for the same reason which compelled them to silence concerning other important objects, affecting the equilibrium of Europe, and the welfare of Great Britain;[64]

King also stated that he had—

more than once conversed with the same persons, with the view of impressing upon them the great importance in a variety of respects of this cession, espe-

[62] *American State Papers, Foreign Relations*, vol. II, pp. 510–511.
[63] *The Life and Correspondence of Rufus King*, vol. IV, p. 19.
[64] *Ibid.*, pp. 57–58.

cially as it will affect the security of their colonies, and offers the means of rearing up and extending the commercial marine of France, the only sure foundation upon which she can raise a navy that will be able to cope with that in England.[65]

Mr. King then makes some suggestions as to the line of argument which he thinks Livingston might adopt in Paris with the French Government, and suggests representations which should set out—

in great detail the extent of the mischiefs, which we may be made to suffer from the completion of the cession, . . . and concluding with a direct insinuation that foreseeing as we do the pernicious influence of the measure upon our political and social happiness, it will be impossible for us to see it carried into operation with indifference; or afterwards to preserve unimpaired the Confidence we wish to do, in the friendship of a Nation, towards which we cherish the grateful Remembrance of important services.[66]

Writing again to Livingston under date of March 23, 1802, King once more refers to the fact that "we may, if we deem it our interest, without impropriety attempt to acquire the legitimate Title to Louisiana and the Floridas." Yet—

Great as the benefit would be to us of uniting to our territories New Orleans with the entire left bank of the Mississippi and extending our Southern frontier to the ocean, I confess that I see little in the principles, to which we propose to devote ourselves, and by which our affairs are to be regulated, which authorises us to expect that a measure of such magnitude, and which would impose immediate and considerable burthens upon our People, would be likely to be received with favour.[67]

The concluding paragraphs of this letter from King to Livingston contain, says King's editor, "a declaration of the principle upon which rests what is now called the Monroe Doctrine."

Jefferson objects to transfer of territory

On April 18, 1802, President Jefferson himself addressed a communication to Livingston in which he used the following language:

The cession of Louisiana and the Floridas by Spain to France works most sorely on the United States. . . . It completely reverses all the political relations of the United States, and will form a new epoch in our political course. . . . There is on the globe one single spot, the possessor of which is our natural and habitual enemy. It is New Orleans, through which the produce of three-eighths of our territory must pass to market, and from its fertility it will ere long yield more than half of our whole produce, and contain more than half of our inhabitants. France, placing herself in that door, assumes to us the attitude of defiance. Spain might have retained it quietly for years. Her pacific dispositions, her feeble state, would induce her to increase our facilities there so that her possession of the place would hardly be

[65] *Ibid.*, p. 58.
[66] *Ibid.*, p. 59.
[67] *Ibid.*, p. 87.

felt by us, and it would not, perhaps, be very long before some circumstance might arise which might make the cession of it to us the price of something of more worth to her. Not so can it ever be in the hands of France; the impetuosity of her temper, the energy and restlessness of her character, placed in a point of eternal friction with us and our character, which, though quiet and loving peace and the pursuit of wealth, is highminded, despising wealth in competition with insult or injury, enterprising, and energetic as any nation on earth. These circumstances render it impossible that France and the United States can continue long friends when they meet in so irritable a position. . . . The day that France takes possession of New Orleans fixes the sentence which is to retain her forever within her low-water mark. It seals the union of two nations who, in conjunction, can maintain exclusive possession of the ocean. From that moment we must marry ourselves to the British fleet and nation. . . . This is not a state of things we seek or desire. It is one which this measure, if adopted by France, forces on us as necessarily as any other cause, by the laws of nature, brings on its necessary effect. It is not from a fear of France that we deprecate this measure proposed by her, for, however greater her force is than ours, compared in the abstract, it is nothing in comparison to ours when to be exerted on our soil, but it is from a sincere love of peace, and a firm persuasion that, bound to France by the interests and strong sympathies still existing in the minds of our citizens, and holding relative positions which insure their continuance, we are secure of a long course of peace, whereas the change of friends, which will be rendered necessary if France changes that position, embarks us necessarily as a belligerent power in the first war of Europe. In that case France will have held possession of New Orleans during the interval of a peace, long or short, at the end of which it will be wrested from her. Will this short-lived possession have been an equivalent to her for the transfer of such a weight into the scale of her enemy? Will not the amalgamation of a young, thriving nation continue to that enemy the health and force which are now so evidently on the decline? And will a few years' possession of New Orleans add equally to the strength of France? She may say she needs Louisiana for the supply of her West Indies. She does not need it in time of peace, and in war she could not depend on them, because they would be so easily intercepted.[68]

On May 1, 1802, Secretary Madison in writing to Minister Livingston stated:

The cession of Louisiana to France becomes daily more and more a source of painful apprehensions. . . . A mere neighborhood could not be friendly to the harmony which both countries have so much an interest in cherishing; but if a possession of the mouth of the Mississippi is to be added to the other causes of discord, the worst events are to be apprehended. You will, consequently, spare no efforts, that will consist with prudence and dignity, to lead the councils of France to proper views of this subject and to an abandonment of her present purpose. You will also pursue, by prudent means, the inquiry into the extent of the cession, particularly whether it includes the Floridas as well as New Orleans, and endeavor to ascertain the price at which these, if included in the cession, would be yielded to the United States. . . . The President wishes you to devote every attention to this object, and to be frequent and particular in your communications relating to it.[69]

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[68] Moore, *International Law Digest*, vol. I, pp. 435–436.

[69] *American State Papers, Foreign Relations*, vol. II, p. 516.

Jefferson is thus specifically of the opinion, that as between ourselves and a European power, "mere neighborhood could not be friendly to the harmony which both countries have so much an interest in cherishing."

Madison characterized as a "most precious acquisition" the obtaining of these territories by France and suggested the exchange of the French obligations to American citizens for the cession of the territory from France.[70]

Navigation of the Mississippi

On April 21, 1802, King had written to Hawkesbury a confidential communication setting forth the importance of the navigation of the Mississippi River both to Great Britain and to the United States and the reported cession of Louisiana to France. He had then inquired whether Great Britain had received any communication from the Government of Spain or France respecting the cession and whether—

> . . . his Britannic Majesty has in any manner acquiesced in, or sanctioned the same, so as to impair or affect the stipulations above referred to concerning the free navigation of the Mississippi; In a word, I entreat your lordship to open yourself on this occasion with that freedom which, in matters of weighty concern, is due from one friendly nation to another, and which in the present instance, will have the effect to do away all those misconceptions that may otherwise prevail in respect to the privity of Great Britain to the cession in question.[71]

To this communication Lord Hawkesbury replied on May 7, 1802:

> It is impossible that so important an Event, as the cession of Louisiana by Spain to France, should be regarded by the King in any other light than as highly interesting to his Majesty and to the United States; and should render it more necessary than ever that there should subsist between the two Governments that spirit of confidence which is become so essential to the security of their respective Territories and Possessions.[72]

Speaking of the free navigation of the Mississippi, Hawkesbury declared that France took it subject to the rights of navigation which British subjects and American citizens possessed, and added:

> . . . I can at the same time most truly assure you that his Majesty has not in any manner, directly or indirectly acquiesced in or sanctioned this cession.[72]

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[70] *Ibid.*

[71] *The Life and Correspondence of Rufus King*, vol. IV, p. 109.

[72] *Ibid.*, p. 123.

The communication concluded with observations which assume a peculiar significance when the later discussions between Canning and Rush are brought in mind. Lord Hawkesbury said:

> In making this communication to you for the information of the Government of the United States, I think it right to acquaint you that his Majesty will be anxious to learn their sentiments on every part of this subject, and the line of policy which they will be induced to adopt in the event of this arrangement being carried into effect.[73]

American proposal to acquire New Orleans and the Floridas

On May 11, 1802, Madison, again instructing Charles Pinckney, stated that "the latest information from Paris has confirmed the fact that it [Louisiana] was ceded by a treaty prior to that of March, 1801," but he felt "there still are chances of obtaining a reversal of the transaction." He spoke of the "repugnance of the United States" to the cession. Later in his despatch he added:

> . . . Should the cession actually fail from this, or any other cause, and Spain retain New Orleans and the Floridas, I repeat to you the wish of the President, that every effort and address be employed to obtain the arrangement by which the territory on the east side of the Mississippi, including New Orleans, may be ceded to the United States, and the Mississippi made a common boundary, with a common use of its navigation for them and Spain. . . . I am charged by the President now to add, that you may not only receive and transmit a proposition of guaranty of her territory beyond the Mississippi, as a condition of her ceding to the United States the territory, including New Orleans, on this side, but, in case it be necessary, may make the proposition yourself, in the forms required by our constitution. You will infer from this enlargement of your authority, how much importance is attached to the object in question, as securing a precious acquisition to the United States, as well as a natural and quiet boundary with Spain;[74]

Mr. Livingston, reporting to the Secretary of State under date of August 10, 1802, transmitted a *mémoire* which he had delivered to certain officials, including Talleyrand. The *mémoire* was devoted to the question whether or not it would be advantageous to France to take possession of Louisiana, first, from the standpoint of its effects upon the commerce and manufactures of France, and, secondly, from the standpoint of its effects upon her positive or relative strength. In the course of this *mémoire* he declared that he was "aware of the delicacy of touching upon the political evils that may result to France and to the United States from the former possessing itself of New Orleans and the Floridas," but stated that as a citizen of one of the States involved and warmly attached to the other, he trusted

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[73] *The Life and Correspondence of Rufus King*, vol. IV, p. 123.

[74] *American State Papers, Foreign Relations*, vol. II, p. 517.

that the motives for his observations would be appreciated. He then continued:

. . . I have observed that France and the United States are so happily placed with respect to each other, as to have no point of collision. They can mutually aid, without having the smallest temptation to injure, each other. And, as there is no nation at present on the globe whose consumption offers such encouragement to foreign manufactures as that of the United States; as this consumption is rapidly increasing; as they have the means of establishing a navy whenever their situation shall render it necessary, how strong, how powerful, should the inducement be that compels France to lose these advantages, and convert a natural and warm ally into a jealous and suspicious neighbor, and perhaps, in the progress of events, into an open enemy!

Experience has evinced that no two nations can border upon each other, without having the spirit of rivalry excited: and if this is true with respect to neighboring nations, it will be found to apply more forcibly to the colony of a great and powerful nation placed at a distance from home, and a sovereign adjoining such nation.[75]

Here again is brought out the dangers incident to mere neighborhood.

Mr. Madison, Secretary of State, instructing Mr. Charles Pinckney, our Minister to Spain, under date of November 27, 1802, closed his instructions with this paragraph:

It has long been manifest that, whilst the injuries to the United States, so frequently occurring, from the colonial officers scattered over our hemisphere, and in our neighborhood, can only be repaired by a resort to their respective sovereigns in Europe, that it will be impossible to guard against most serious inconveniences. The instance before us strikes with peculiar force, and presents an occasion on which you may advantageously suggest to the Spanish Government the expediency of placing in their minister on the spot, an authority to control or correct the mischievous proceedings of their colonial officers towards our citizens; without which any one of fifteen or twenty individuals, not always among either the wisest or best of men, may, at any time, threaten the good understanding of the two countries. The distance between the United States and the old continent, and the mortifying delays of explanations and negotiations across the Atlantic on emergencies in our neighborhood, render such a provision indispensable, and it cannot be long before all the Governments of Europe, having American colonies, must see the policy of making it.[76]

It will be observed that Mr. Madison is here enlarging the point of view with reference to the difficulties and embarrassments resulting from colonial possessions on this side of the ocean, and speaks now of such colonial possessions as "are scattered over our hemisphere, and in our neighborhood."[77]

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[75] *Ibid.*, p. 523.
[76] *Ibid.*, p. 527.
[77] *Ibid.*

Possible British occupation of New Orleans

Mr. King, reporting to the Secretary of State under date of April 2, 1803, incorporated the following:

In a late conversation with Mr. Addington, he observed to me, if the war happen, it would perhaps be one of their first attempts to occupy New Orleans. I interrupted him by saying, I hoped the measure would be well weighed before it should be attempted; that true it was we could not see with indifference that Country in the hands of France, but it was equally true that it would be contrary to our views, and with much concern that we should see it in the possession of England. We had no objection to Spain continuing to possess it; they were quiet neighbours, and we looked forward without impatience to events which, in the ordinary course of things, must, at no distant day, annex this Country to the United States. Mr. Addington desired me to be assured, that England would not accept the Country, were all agreed to give it up to her; that were she to occupy it, it would not be to keep it, but to prevent another power from obtaining it, and in his opinion, that this end would be best effected by its belonging to the United States. I expressed my acquiescence in the last part of his remark, but observed that if the country should be occupied by England, it would be suspected to be in concert with the United States, and might involve us in misunderstandings with another Power with which we desired to live in Peace; he said if you can obtain it well, but if not, we ought to prevent its going into the hands of France, tho' you may be assured, continued Mr. Addington, that nothing shall be done injurious to the interest of the United States. Here the conversation ended.[78]

The view here expressed also marks an advance over the expressions theretofore used because here Mr. King made it clear to Great Britain that not only should we look with apprehension upon the occupation of New Orleans by France, but also by England. Mr. King writing to Mr. Livingston a few days later (April 12, 1803) with reference to the then pending war between Great Britain and France, stated:

Should the war take place, as I still think it must if the first Consul persist in respect to Malta, it is to be hoped you will have authority to assume a principle in regard to Louisiana which at all times, but more easily in time of war between England and France, we can and ought to assert and maintain. To the country West of the Mississippi we have no claim; from the country East of it, in virtue of the irrevocable renunciation of France and the duty we owe to ourselves and posterity, we have the Right to exclude her forever; and it is only by adhering to this principle, that we shall be able to preserve the Union and protect the Independence of our Country.[79]

Marbois' suggestion to sell the whole of Louisiana

On April 13, 1803, Mr. Livingston reported to Mr. Madison the status of negotiations with reference to the purchase of Louisiana.

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[78] *The Life and Correspondence of Rufus King*, vol. IV, p. 241.

[79] *Ibid.*, p. 246; for report by Mr. Livingston regarding a colloquy between Napoleon and Lord Whitworth regarding Malta, see *American State Papers, Foreign Relations*, vol. II, p. 547.

Up to this point apparently the United States had contemplated merely purchasing that part of the Louisiana territory which lay east of the Mississippi River, but on the day of the despatch Marbois had reported Napoleon's suggestion that the United States "take the whole country." After some discussion Livingston asked "in case of a purchase, whether they would stipulate that France would never possess the Floridas, and that she would aid us to procure them, and relinquish all right that she might have to them. He told me that she would go thus far."

Napoleon had suggested 100,000,000 francs as the purchase price. Livingston had told Marbois that this was impossible. However, in his despatch to Mr. Madison he made this rather curious suggestion:

> . . . As to the quantum, I have yet made up no opinion. The field open to us is infinitely larger than our instructions contemplated; the revenue increasing, and the land more than adequate to sink the capital, should we even go the sum proposed by Marbois; nay, I persuade myself, that the whole sum may be raised by the sale of the territory west of the Mississippi, with the right of sovereignty, to some Power in Europe, whose vicinity we should not fear. I speak now without reflection, and without having seen Mr. Monroe.[80]

Treaty of purchase

On April 30, 1803, a treaty was signed between the United States and France ceding Louisiana to the United States. A second treaty, signed on the same day, provided for the payment to France of the sum of 60,000,000 francs and a third treaty, signed the same day, provided for the assumption by the United States of "debts due by France to citizens of the United States . . . in an amount not to exceed 20,000,000 francs."[81]

On May 12, 1803, King reports a conversation with Mr. Addington—knowledge of the cession of Louisiana had not yet reached King—as follows:

> I then spoke to him respecting the probable cession of Louisiana by France to the U. S. He declared his hope that it had been done. I alluded to the provisional expedition to occupy N. Orleans. He said that would be wholly out of view if we acquired it, and on this point was very explicit that England would be satisfied if the U. S. obtained Louisiana.[82]

British approval of purchase

On May 15, 1803, King wrote to Lord Hawkesbury advising him of the consummation of the treaty of April 30, 1803,

> . . . by which the complete sovereignty of the town and territory of New Orleans, as well as of all Louisiana, as the same was heretofore possessed by Spain, has been acquired by the United States of America.

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[80] *American State Papers, Foreign Relations*, vol. II, p. 554.

[81] Malloy, *Treaties, Conventions*, etc., vol. I, pp. 508–514.

[82] *The Life and Correspondence of Rufus King*, vol. IV, p. 255.

In drawing up this treaty, care has been taken so to frame the same as not to infringe any right of Great Britain in the navigation of the river Mississippi.

I flatter myself that this communication will be received with satisfaction, and regarded as a new proof of the disposition of the United States to observe towards His Majesty a spirit of amity and confidence, important at all times, and more especially so in present circumstances, to the harmony and mutual prosperity of the two countries.[83]

To this letter Lord Hawkesbury replied under date of May 19, 1803, as follows:

Having laid before the King your letter of the 15th of this month, in which you inform me that a treaty was signed at Paris on the 10th of last month by the plenipotentiaries of America and France, by which the complete Sovereignty of the Town & Territory of New Orleans, as well as of all Louisiana has been acquired by the U. S., I have received his Majesty's commands to express to you the pleasure with which his Majesty has received this intelligence, and to add that his Majesty regards the care which has been taken so to frame this Treaty as not to infringe any right of Gr. Britain in the Navigation of the Mississippi as the most satisfactory evidence of the disposition on the part of the Government of the U. S., correspondent to that which his Majesty entertains to promote and improve the harmony and good understanding which so happily subsists between the two countries and which are so conducive to their mutual benefit.

I have it also in command to assure you, Sir, that the sentiments which you have expressed in making this communication are considered by his Majesty's Government as the additional proof of the cordiality and confidence which you have uniformly manifested in the whole course of your public mission, and which have so justly entitled you to the Esteem and Regard of his Majesty's Government.[84]

On October 17, 1803, Jefferson sent to Congress (which had been convened in regular session) a message in which the following language is used:

. . . Separated by a wide ocean from the nations of Europe and from the political interests which entangle them together, with productions and wants which render our commerce and friendship useful to them and theirs to us, it can not be the interest of any to assail us, nor ours to disturb them. We should be most unwise, indeed, were we to cast away the singular blessings of the position in which nature has placed us, the opportunity she has endowed us with of pursuing, at a distance from foreign contentions, the paths of industry, peace, and happiness, of cultivating general friendship, and of bringing collisions of interest to the umpirage of reason rather than of force.[85]

Summary of Principles Developed to 1803

Up to this point in our history there had been developed and announced the following principles that lie at the base of the Monroe Doctrine:

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[83] *The Life and Correspondence of Rufus King*, vol. IV, p. 262.

[84] *Ibid.*, p. 263.

[85] *Messages and Papers of the Presidents* (1917 ed.), vol. I, pp. 349–350.

Jefferson (March 1793) had clearly intimated the distinction between American political interests and European political interests, and the dangers which might ensue in transfers of American territory from one power to another;

Washington (September 1796) in his farewell address emphasized the necessity of nonpolitical connection with Europe, that with Europe's primary interest we had a remote relation, that we should not entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice;

Adams (May 1797) urged the necessity of our keeping clear of the political system of Europe;

King (January 1798) reported suggestions that South America should be separated from Spain and that in this operation England and the United States should cooperate;

A month later (February 1798) King reported Lord Grenville as stating that should Spain come under the control of France, England would commence a negotiation with the United States to see that the Spanish colonies did not go to France.

In September of the same year (1798) King announced to Hawkesbury that we should be unwilling to see Louisiana "pass into the hands of new proprietors";

King (June 1801) speaking to Lord Hawkesbury regarding the Floridas, declared that we should be "unwilling to see them transferred except to ourselves";

Madison (June 1801), instructing our representative at Madrid, declared that "the United States never have favored, nor, so long as they are guided by the clearest policy, ever can favor" the acquisition of the Spanish possessions on the Mississippi by Great Britain, and he called attention to the danger of collisions between France and the United States from the contacts of their territories: these views had the assent of Jefferson;

Madison (September 1801) instructing our Minister to France, stressed the danger to which the United States would be exposed from the neighborhood of France on the Mississippi;

King (January 1802) writing to Livingston (Paris) spoke of the mischiefs which would be incident to the transfer of the Louisiana territory from Spain to France;

Jefferson (April 1802) declared that the possessor of New Orleans was our "natural and habitual enemy" and that France by placing herself there "assumed to us the attitude of defiance," and (by Madison) that "mere neighborhood could not be friendly to the harmony which both countries have so much an interest in cherishing";

Lord Hawkesbury (May 1802) speaking of the transfer of Louisiana by Spain to France, expressed the necessity that as between Great Britain and the United States there should be "that spirit of confidence which has become so essential to the security of their respective territories and possessions";

Livingston (August 1802) in a *mémoire* delivered to French officers again emphasized the dangers of mere neighborhood, particularly where the colonies of one great power lay alongside another power;

King (April 1803) reported Addington as stating that England did not desire Louisiana, that if she took it it would be merely to prevent France from getting it, and that the prevention of this undesirable end would be best attained by the United States taking it;

King (April 1803) writing to Livingston spoke of the duty which " we owe to ourselves and posterity to exclude France forever from east of the Mississippi River ";

Livingston (April 1803) reported Marbois as saying that France was willing to enable us to secure the Floridas;

Lord Hawkesbury (May 1803) expressed the pleasure of the British Government at our acquisition of Louisiana;

Jefferson (October 1803) spoke to Congress of the different political interests between the United States and Europe and of their interests not to assail us and our interests not to disturb them.

Summary of Events from 1802 to 1814

This period bears a close relationship to the Monroe Doctrine, first because it marked renewed difficulties between Europe and the United States on account of Napoleon's invention of the " continental system "; next because it embraced the War of 1812 between ourselves and England; next, because it covered the growth of the ideas behind the Holy Alliance, the implementing in Europe of the final development of which was the immediate threat which lead to the declaration by President Monroe; and finally it was the period which marked the revolt of Spanish American colonies.

The peace of Amiens (25–27 March 1802) between France on the one side and England, Spain, and Holland on the other, was broken by the French declaration of war against England on May 18, 1803. Thus the suspicions were realized which had been entertained by the American negotiators of the treaty of April 30, 1803, for the purchase of Louisiana by the United States from France—Napoleon had felt himself in urgent need of money which was of more immediate importance to him than a vast empire across the ocean.

Napoleon, who was made Consul for life on August 2, 1802, was proclaimed Emperor on May 18, 1804, and crowned himself as Emperor in the presence of the Pope on December 2 of the same year.

On August 9, 1805, the Third Coalition against France was formed by Great Britain, Austria, Russia, and Sweden, for the purpose of overthrowing Napoleon.[86]

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[86] Hayes, *A Political and Social History of Modern Europe*, vol. I, p. 537.

On October 20, 1805, Napoleon, having moved with his accustomed rapidity, defeated the Austrian commander at Ulm in Würtemburg.[87]

On the day following Ulm, Nelson, leading the allied British and Spanish fleets, fought and won the great naval battle of Trafalgar which gave to Britain a supremacy of the high seas which was not seriously challenged for more than a century.

On December 2, 1805, Napoleon defeated the Allies at Austerlitz, inflicting upon them such an overwhelming defeat that Pitt, almost dying, declared as he looked at a map of Europe: "Roll up that map; it will not be wanted these ten years." [88]

On October 14, 1806, the Prussians were defeated at Jena.[89]

In June of the following year, 1807, at Friedland, Napoleon administered to Alexander of Russia a defeat as decisive as that which he had inflicted upon the Prussians at Jena, with the result that, on July 7, 1807, Napoleon and Alexander met on a raft moored in the middle of the river Niemen, and arranged the terms of peace for France, Russia, and Prussia, known as the treaty of Tilsit.[90]

Concerning this treaty of Tilsit which in effect dissolved the Third Coalition, Phillips says:

> . . . Under these circumstances the disastrous route of Friedland, and the politic generosity of Napoleon at Tilsit, were enough to turn Alexander's mind from his dream of becoming the arbiter of the peace of Europe to that other dream—which the unhappy Paul I had already cherished—of dividing with Napoleon the empire of the world. A vision so dazzling awakened in him the purely personal ambition, latent in his very blood, of which he had hitherto been unconscious. In the contemplation of his new greatness the interests of Europe were forgotten. "What is Europe?" he said to Savary, the French ambassador; "what is it, if it be not you and we?" [91]

Of Napoleon in Europe at this time, Hayes says:

> The year that followed Tilsit may be taken as marking the height of Napoleon's career. The Corsican adventurer was emperor of a France that extended from the Po to the North Sea, from the Pyrenees and the Papal States to the Rhine, a France united, patriotic, and in enjoyment of many of the fruits of the Revolution. He was king of an Italy that embraced the fertile valley of the Po and the ancient possessions of Venice; and that was administered by a viceroy, his stepson and heir-apparent, Eugène Beauharnais. The pope was his friend and ally. His brother Joseph governed the kingdom of Naples. His brother Louis and his stepdaughter Hortense were king and queen of Holland. His sister Elise was princess of the diminutive state of Lucca. The kings of Spain and Denmark were his admirers, and the tsar of Russia now called him friend and brother. A restored Poland

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[87] *Ibid.*, p. 538.
[88] Earl Stanhope's *Life of William Pitt*, vol. iv. p. 369.
[89] Hayes, *ibid.*, p. 539.
[90] *Ibid.*, pp. 539–540.
[91] Phillips, *The Confederation of Europe*, p. 44.

was a recruiting station for his army. Prussia and Austria had become second- or third-rate powers, and French influence once more predominated in the Germanies.[92]

Under these circumstances, with only Great Britain standing as a threat against France and his ambitions, Napoleon conceived what was known as the "continental system"—a war against British manufacturing and commerce. Its purpose was to shut out British goods from all Europe, his theory being that:

> . . . If he could prevent the importation of British goods into the Continent, he would deprive his rivals of the chief markets for their products, ruin British manufactures, throw thousands of British workingmen out of employment, create such hard times in the British Islands that the mass of the people would rise against their government and compel it to make peace with him on his own terms; in a word, he would ruin British commerce and industry and then secure an advantageous peace.[93]

Portugal, having refused adherence to the "continental system," Napoleon invaded the country through Spain. On December 1, 1807, he occupied Lisbon and proclaimed the "continental system" in force. He then continued pouring French troops across the Pyrenees until he occupied the whole peninsula.

Under pressure from Napoleon, Charles IV of Spain abdicated on March 17, 1808, and in July of the same year, under the protection of French troops, Joseph Bonaparte was crowned King of Spain at Madrid.

On August 1, 1808, Sir Arthur Wellesley, subsequently the Duke of Wellington, landed with a British force in Portugal and proceeded to cooperate with Portuguese and Spanish troops against the French. This was the beginning of the Peninsular War which continued for the next five years, or until 1813.[94]

It was this occupation of Spain by the French and the placing of Joseph Bonaparte on the throne at Madrid that was the immediate cause of the revolution in Spanish America.[95]

Revolution in the Spanish Americas

News of the enthronement of Joseph Bonaparte was immediately sent to Spanish America. All over Spain juntas or local councils were organized against French domination, news of which action was also communicated to the Spanish Americas. At Mexico City, Caracas, Bogotá, Chuquisaca (later Sucre), and Buenos Aires action was taken towards formally recognizing Ferdinand. There appears,

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[92] Hayes, *A Political and Social History of Modern Europe*, vol. I, p. 541.

[93] *Ibid.*, p. 547.

[94] *Ibid.*, pp. 550–553.

[95] William Spencer Robertson, *History of the Latin American Nations* (rev. ed.), p. 153.

however, to have been, even at this stage, far-sighted persons in America who saw that the deposing of Ferdinand had broken the link between Spain and the Americas.

There were incipient separatist movements in 1809 at Chuquisaca, La Paz, Quito, Bogotá, Caracas, and Valladolid (in Mexico).

In January 1810, the Central Junta in Spain created a regency which addressed a proclamation to the inhabitants of Spanish America, inviting them to send members to a national Cortes. "The Regency announced that Spanish Americans were now elevated to the dignity of freemen; that they would no longer be viewed with indifference, vexed by cupidity, and destroyed by ignorance; and that their destinies did not depend upon ministers, governors, or viceroys, but upon themselves. Such statements naturally stimulated the liberal spirit that was spreading among educated creoles in Spanish America." [96]

In 1810, juntas were formed in Caracas, Buenos Aires, Bogotá, Quito, Santiago, and Mexico, as also a junta at La Plata which, while ostensibly rendering service to the cause of Ferdinand VII, nevertheless seemed to have been permeated with the revolutionary idea.

This movement of 1810 found its fruition in certain Spanish American areas, and in 1811 on July 5, Venezuela declared its independence from Spain, being the first " of the revolted Spanish colonies formally to declare through delegates assembled in a Congress that she was independent of the motherland." [97]

A few days following, the provisional junta in Paraguay indicated its unwillingness to support the Spanish patriots in Spain. In November of 1811, New Granada made a declaration of independence. During the same year Chile overthrew the loyal government.

In May 1812, the constitution of Spain was adopted and a call was made upon the Spanish colonies for allegiance to Spain. Chile recognized Ferdinand.

In 1813 (July) Bogotá declared its independence. In November, Mexican independence was declared. The same year saw Uruguay declaring its independence of Spain.

Through British assistance Ferdinand VII was restored to his throne in 1814. He reestablished the old régime and power. At first he neglected the American colonies; but later, when revolt became serious, he attempted to subjugate them. In October 1814, Mexico adopted a provisional constitution. In 1816, in July, the "United Provinces of South America" or, as sometimes called, "The United Provinces of La Plata" declared their independence not only of Ferdinand but of all foreign domination.

[96] *Ibid.*, p. 164.

[97] *Ibid.*, p. 169.

From 1817 to 1820 there was a slipping back in the colonies towards Spanish sympathy and Spanish rule. In 1817 Colonel San Martín and O'Higgins were able, however, to liberate Chile and in January of 1818 Chile was declared independent. In 1819, Colombia declared its independence.

In 1820, a revolution occurred in Spain against Ferdinand which was to precipitate a situation that finally led to the actual promulgation of the Monroe Doctrine. This will be considered later.

In 1821, Mexican independence was again declared; Bolivar freed Venezuela; and San Martín proclaimed Peru's independence. In 1823, Bolivar and Sucre liberated Quito.

On May 4, 1822, an appropriation for diplomatic missions in Spanish America was passed by Congress.

On June 19, 1822, the Colombian Chargé d'Affaires was presented to Monroe. This was the first recognition accorded to any of the Spanish American colonies. On December 12, 1822, Mexico was recognized. In 1823, La Plata and Chile were recognized. In 1824, Sucre defeated the Royalists and Bolivar was declared free. During this year Brazil was recognized.[98]

Résumé of events in Europe

Having sketched an outline of the course of events in Latin America, a similar outline will be useful of events as affecting Europe and the United States.

Pursuant to the principles of the "continental system" Napoleon on November 21, 1806, issued the famous Berlin Decree which, having in its preamble recited the various matters in which Great Britain was violating the law of nations, declared a blockade of the British Isles and forbade commerce and correspondence with them. It provided that English subjects in countries occupied by French troops or her allies should be made prisoners of war; declared all property or merchandise belonging to British subjects as lawful prize; stipulated that no vessel coming directly from England or from an English colony, or which had been to either of these since the publication of the decree, should be received in any port, and that any vessel contravening that provision by a false declaration should be seized and the vessel and cargo confiscated as if they were English property.[99]

This decree was considered by the United States to be violative of the 12th, 13th and 14th articles of the convention of 1800 between the United States and France. Efforts of Armstrong, then Minister of the United States at Paris, to adjust the interpretation of the

[98] Robertson, *History of the Latin American Nations*, chap. VI, pp. 153 *et seq.*
[99] Moore, *International Arbitrations*, vol. V, p. 4448.

decree to the provisions of the convention were unsuccessful. Out of this decree and its enforcement arose what were known as the Antwerp cases.

To the Berlin Decree the British Government responded on January 7, 1807, with a British order in council forbidding neutral vessels to trade from one port to another where such ports were in the possession or control of France or her allies. On November 11, 1807, further orders in council were issued. On the 17th of December, 1807, Napoleon issued the famous Milan Decree, which declared that every ship that had submitted to be searched by an English ship, or had consented to a voyage to England, or had paid any tax to the English Government, was *ipso facto* denationalized, and was to be deemed good prize. The decree also declared that the British Isles were in a state of blockade, and that every ship was good prize which was destined to or sailed from a port of Great Britain or to the British possessions, or to a port in any country occupied by the British.

On December 22, 1807, the United States passed the famous Embargo Acts which laid an embargo on all vessels in ports of the United States. Napoleon's reply to this was the Bayonne Decree of April 17, 1808, by which he ordered the seizure of all American vessels which should enter the ports of France, Italy, or the Hanse Towns.

On March 1, 1809, the Nonintercourse Act (which repealed the Embargo Act) was enacted by Congress which forbade the entry into ports of the United States of the vessels of Great Britain and France under penalty of forfeiture after May 20, 1809.

By way of reprisal Napoleon, toward the end of 1809, issued secret orders for the seizure of American vessels, and many vessels were seized and sequestered.

On March 23, 1810, Napoleon issued a new decree at Rambouillet. This decree was ostensibly issued in retaliation for the Nonintercourse Act. The decree was published in May 1810, and was made retroactive in its application. Under the terms of this decree American vessels entering French ports or the ports of any of her colonies, or the ports of any countries occupied by French arms, were to be seized and sold.[1]

It was at this period (when the juntas were being formed in Spain) that Jefferson, writing to Governor Claiborne of Louisiana, under date of October 29, 1808, said:

. . . . The truth is that the patriots of Spain have no warmer friends than the administration of the U. S., but it is our duty to say nothing & to do noth-

[1] *Ibid.*, p. 4453.

ing for or against either. If they succeed, we shall be well satisfied to see Cuba and Mexico remain in their present dependence; but very unwilling to see them in that of either France or England, politically or commercially. We consider their interests and ours as the same, and that the object of both must be to exclude all European influence from this hemisphere. We wish to avoid the necessity of going to war, till our revenue shall be entirely liberated from debt. Then it will suffice for war, without creating new debt or taxes. These are sentiments which I would wish you to express to any proper characters of either of these two countries, and particularly that we have nothing more at heart than their friendship.[3]

The situation resulting from the chaotic condition in Europe with its repercussions in the West Indies, was such that on January 15, 1811, Congress passed the following resolution:

Taking into view the peculiar situation of Spain, and of her American provinces; and considering the influence which the destiny of the territory adjoining the southern border of the United States may have upon their security, tranquillity, and commerce: Therefore,

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the United States, under the peculiar circumstances of the existing crisis, can not, without serious inquietude, see any part of the said territory pass into the hands of any foreign power; and that a due regard to their own safety compels them to provide, under certain contingencies, for the temporary occupation of the said territory; they, at the same time, declare that the said territory shall, in their hands, remain subject to future negotiations.[3]

Resolutions passed upon the same day, and subsequently, authorized the President to take possession of West Florida.

Thus in 1811 Congress itself proclaimed as to adjacent territory the principles which, as has been seen, had already been expressed in our diplomatic correspondence regarding other parts of Spanish America. The impelling motives as declared by Congress were the "security, tranquillity, and commerce" of the United States.

Thus both the Executive and the Legislative branches of the Government were in accord as to the fundamental policy which underlay our relationship to adjacent territories.

In April 1809, England and Austria formed an alliance against France. Before the middle of May, Napoleon was again in the Austrian capital, and while he suffered on May 21–22 a reverse at Aspern on the Danube below Vienna, yet on July 5–6, the battle of Wagram was fought which, while not of the character of Austerlitz, was sufficiently decisive to enable him to conclude the treaty of Vienna on October 14, 1809.[4] Napoleon, having secured an annulment of his marriage to Josephine on December 15, 1809, married Maria Louisa of Austria on April 1, 1810.

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[3] Ford, *Writings of Thomas Jefferson*, vol. IX, pp. 212–213.
[3] 3 Stat. L. (Peters), p. 471.
[4] Hayes, *A Political and Social History of Modern Europe*, vol. I, p. 554.

Neither the treaty of Tilsit (1807) between Napoleon and Alexander, nor the Tsar's almost rapturous expressions of admiration for Napoleon and his declaration of a mutual policy between them, were able to perpetuate long the feelings of friendliness which were expressed at Tilsit by the two men. Apparently Alexander began to feel shortly that Napoleon was using him for Napoleon's own ends. This was true not only as to international politics, but particularly true with reference to Russia's enforcement of the "continental system." This growing ill-feeling finally culminated in the invasion of Russia by Napoleon in 1812.

The events in Europe once more had a repercussion in America. In 1807, the British frigate *Leopard* attacked the U. S. frigate *Chesapeake* and searched and removed from the ship three American citizens (who, having been impressed into the British service, had deserted that service and shipped with the frigate *Chesapeake*) and also a British subject who had likewise deserted and gone aboard the *Chesapeake*. While this action was disavowed by Canning, no real adjustment thereof was ever made.[5]

As already outlined, the relationships between ourselves and the European belligerents had been strained almost to the breaking by the Berlin Decrees, the Milan Decrees, and the orders in council, and on our own part by the Embargo and Nonintercourse Acts. The diplomatic situation had become acute between the United States and Great Britain by the refusal of the latter to go forward with the adjustment (of pending difficulties) negotiated by her Minister, Mr. Erskine, as also by the attitude of her Minister, Mr. Jackson, known as "Copenhagen Jackson" because of the part he played in the affair between Great Britain and Denmark in 1807.[6]

In his message to Congress President Madison gave as the reasons for recommending a declaration of war with Great Britain, the impressments of American citizens, the violation of American posts, the practice of paper blockades, and the orders in council. War was declared June 18, 1812.

It will be observed that the beginning of the war between the United States and Great Britain was practically coincident with the invasion of Russia by Napoleon.

Following the disastrous retreat of Napoleon from Russia, there was formed in March 1813, against France an alliance between Austria, Russia and Prussia. Alexander crossed the Nieman on January 13, 1813. The war waged with varying success until on October 16, 1813, was fought the Battle of the Nations which marked the collapse of Napoleon's power outside of France.[7]

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[5] Moore, *International Law Digest*, vol. II, pp. 991 *et seq.*

[6] *Ibid.*, vol. IV, pp. 511 *et seq.*

[7] Hayes, *ibid.*, pp. 562–564.

On March 1, 1814 (actually on March 10),[8] Great Britain, Russia, Austria and Prussia concluded the treaty of Chaumont; and on March 31 Paris surrendered to the Allies. On April 5, 1814, Napoleon abdicated.

The war with the United States was ended by the treaty of Ghent, signed December 24, 1814. This treaty contained no mention of the question of impressment, perhaps the chief cause of the war. The London *Times* of April 1817, said of the United States: "Their first war with England made them independent; their second made them formidable."[9]

The Grand Alliance and the Holy Alliance

Since the formation of the Holy Alliance and the proposed implementing of its general purposes (as shown by the French belligerent operations in Spain) were the immediate threat that inspired the announcement of the Monroe Doctrine, and since moreover, the aims and purposes of the "allied powers" (including, in 1823, Austria, France, Prussia and Russia) as evidenced by the French operations in Spain, had so alarmed British statesmen that they were willing to give at least a seeming moral sanction to the principles of the Monroe Doctrine, a rather clear view of the development of the Holy Alliance and of the relationship of European powers thereto, becomes of importance.

Mémoire (June 20, 1791) of Louis XVI

In June of 1791, Louis XVI and Marie Antoinette fled from Paris in disguise in an effort to reach the eastern frontier where they expected to join the *emigrés* who had congregated at Coblenz and other places along the Rhine and were conducting an agitation looking to the reestablishment of the old monarchical régime. The royal party was recognized at Varennes on June 21 and was arrested and brought back to Paris. Before leaving Paris on his flight, the King had written a *mémoire* (June 20, 1791) which closed with the following statement:

> Frenchmen, and above all you people of Paris, you inhabitants of a city whom the ancestors of His Majesty were pleased to call the good city of Paris, beware of the lies and suggestions of your false friends. Return to your king; he will always be your father, your best friend. What pleasure will he not take in forgetting all his personal injuries and seeing himself again in the midst of you when a constitution, which he will have accepted freely, will be so effective that our holy religion will be respected, the government established on a firm footing and useful through its action, property and the status of each no longer

[8] Phillips, *The Confederation of Europe*, p. 77.
[9] Moore, *International Law Digest*, vol. IV, p. 525.

troubled, the laws no longer violated with impunity, and finally liberty placed on firm and unshakable bases. (Signed) Louis.

At Paris, June 20, 1791.

The King forbids his ministers to sign any order in his name until they have received further orders from him. He enjoins the guard of the seal of the state to send it to him as soon as he shall require him to do so. (Signed) Louis.

At Paris, June 20, 1791.[10]

Leopold II's proposed action against France

This incident led Leopold II of Austria, the brother of Marie Antoinette, to indite a personal communication to the Empress of Russia, the Electress of Mayence, the Kings of England, Prussia, Spain and Sardinia, inviting joint action for the reestablishment of his royal brother-in-law upon the throne of France in his full powers.

This letter was followed by an instruction issued by Count Kaunitz, Court and State Chancellor, in which the ideas of Leopold were amplified and reasons for his proposed course given. This action of Leopold and his Minister are said to have given birth to the idea of the concert of Europe.[11]

But these documents did more than give birth to the concert of Europe as a political combination; they announced the fundamental principles which were to actuate the Holy Alliance, as it had developed by 1823, in their aims and purposes with reference not alone to Europe but to the Western Hemisphere as well.

These documents being of such great importance are in their pertinent parts quoted, in translation, below:

Leopold II to the Empress of Russia, the Electress of Mayence, and the Kings of England, Prussia, Spain, Sicily, and Sardinia

I am sure that Your Majesty has heard of the unprecedented outrage consisting in the arrest of the King of France, my sister, the Queen, and the royal family, with as much surprise and indignation as I did, and that your sentiments can not differ from mine over an event which, by making it possible to fear even more atrocious consequences, sealing with the seal of unlawfulness the excesses which have been heretofore indulged in in France, is an immediate menace to the honor of all the sovereigns and the safety of all the Governments.

Firmly resolved to carry out what these considerations force upon me, and as the head of the German body, with its cooperation, and as the sovereign of the Austrian States, I propose to the Kings of Spain, England, Prussia, Naples and Sardinia, as also to the Empress of Russia, to join with one another and with myself to vindicate the freedom and honor of the most Christian King and his family and bring within bounds the dangerous extremes of the French revolution.

The most urgent thing to do seems to be that we come all together in having at once our Ministers in France given a joint declaration or like and simultaneous declarations which may bring to their senses the leaders of the violent

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[10] Fred Morrow Fling, *The French Revolution*, pp. 277–278.

[11] *Cambridge Modern History*, vol. x, p. 3; Phillips, *The Confederation of Europe*, p. 39; Albert Sorel, *L'Europe et la Révolution Française*, vol. II, p. 232.

party and avert desperate decisions by still leaving open to them a way for honest resipiscence and the peaceful establishment of a condition of things in France that will at least save the dignity of the Crown and the essential consideration of general tranquillity, and I lay before Your Majesty to that end the draft you will find herewith and which seems to me to meet those views.

But inasmuch as the success of such a declaration might be doubtful, and could not be hoped for to its full extent unless we should be ready to uphold it by means commanding sufficient respect, my Minister near Your Majesty will directly receive the needed instructions to arrange with Your Ministry such concert of vigorous measures as circumstances may demand, and I reserve to myself a later communication to you also of the answers I may receive from the other Powers as soon as they reach me.

I consider it to be an infinitely valuable advantage that the intentions they all manifest for the restoration of peace and concord bid fair to remove the obstacles that might stand in the way of unanimous views and sentiments in a circumstance which is of close interest to the well-being of the whole of Europe. . . . LEOPOLD.

DRAFT OF JOINT DECLARATION

PADUA, *July 5 or 6, 1791.*

The undersigned are instructed to make the following known on behalf of their respective sovereigns:

Notwithstanding the notorious existence of constraint and violence which took place before and after the acts of consent vouchsafed by the King of France to the Decrees of the National Assembly, they were, nevertheless, willing still to suspend their opinion as to how far such consent did or did not carry the conviction and free will of his most Christian Majesty; but the attempt made by that Prince to gain his liberty being the most obvious evidence that he was heretofore kept in a situation of arrest left no longer room for doubt that his good faith had been imposed on in many respects while the last outrage of his actual arrest and that of the Queen, the Dauphin and Madame Elizabeth brings well-founded alarm concerning the later demands of the dominant party;

The said Sovereigns, being unable to delay any longer a manifestation of their sentiments and the resolutions imposed on them in this condition of affairs by the honor of their crowns, or ties of blood and the maintenance of order and public tranquillity in Europe, have directed the undersigned Ministers to declare;

That they demand that the Prince and his family be forthwith released and insist that all these royal persons shall be inviolable and respected in the way the law of nature and of nations demand of the subjects for their rulers;

That they will come together to wreak striking vengeance for the later attempts that might be or allowed to be committed on the safety, person and honor of the King, the Queen and the royal family;

That lastly they will only recognize as the lawfully established law and constitution of France those that will bear the free consent of the King in the full enjoyment of perfect liberty; but that they will otherwise put forth in concert all the means placed in their power to bring to an end the scandal of such usurpation of power as would bear the marks of open rebellion and the baleful example of which all the governments would find it important to repress.[12]

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[12] Translation from *Quellen zur Geschichte der Kaiserpolitik Oesterreichs* by Vivenot and Zeissberg, vol. I, pp. 185–187.

Count Kaunitz's circular instruction

The note of Count Kaunitz, dated some time in July, took the form of a "circular instruction of the Court and State Chancellor to the Royal and Imperial Envoys and Ministers at St. Petersburg, Madrid, London, Berlin, Naples, and Turin." The instruction transmitted the autographed letter with Leopold's draft declaration and directed that the Austrian representative should say to the court to which he was accredited that the draft declaration and explanations which were to follow in this instruction were to be regarded—

> . . . as being the first outline offered for common deliveration so as to speed their progress by first bringing together the views and opinions on well-settled objects.[12]

After setting out the way in which Leopold wished his suggestions to be regarded, this instruction continued:

> All manner of evidence now comes to prove, without leaving any ground for the slightest doubt that the present national assembly has in many respects overstepped the powers it has from the King and the Nation; that some of the concessions of his Most Christian Majesty were extorted from him by violence and danger; that the faction that mastered the preponderating influence in the national assembly is aiming to induce him to go to extremes and in particular to a partial and arbitrary interpretation and modified execution of his own decrees which would introduce a constitution that, in that condition of things, would be in conflict with the most general notions of a monarchial government (the only one which has been given to vast states by the experience of all past centuries) and also with the honor, decent representation, and present and future safety of the King and the royal family; that in this way the Prince was justified by his most sacred rights and obligations to evade the violence of the situation; that the proclamation which he left behind at the time of his flight is to be considered as the one expression of his true intentions and cancelling in advance all inconsistent steps to which he might be driven by his relapsing into the same violent condition; that consequently all the foreign powers are authorized to demand the release of the Most Christian King and the essential maintenance of the form of government which in France dates back to the original constitution of the nation.[13]

The instruction then refers to a letter which Leopold had received from Louis XVI "in which the unfortunate Prince tells Europe at the time of his arrest about his grievances and demands." The instruction continues:

> While the most scrupulous principles of international law sanctioned the intervention of the foreign sovereigns in support of his cause, on the other hand the expediency and, I should say, the necessity of such a decision seem to proceed with just as much evidence from the more general consideration of what they owe to their own closest interests, to the interests of their peoples and to the common prosperity of Europe.
>
> They owe it to the honor and safety of their own crowns to protect from later attempts the honor and safety of a virtuous and kindly King.

[13] *Ibid.*, p. 208.

They owe it to the tranquillity and happiness of the peoples they rule to protect them from the progress of a contagious discontent, insubordination and revolt, the first symptoms of which give clear notice to all the governments that it will no longer recognize any limit or remedy if France is allowed to reduce its government to a condition of anarchy of the most baleful and alluring kind, since when royalty is stripped of any actual authority, the laws of stability and execution, the civil administration as well as the military discipline of obedience and strength, this tends to put upon all the powers the unpunishable violence of a blind populace carried off without restraint by all the impulses of seduction and crime.[14]

The instruction then states that "admitting that human wisdom may suggest means sufficiently efficacious to prevent so dangerous a contagion from working gradually its way into all countries" and so "upsetting the foundation of all governments" and the necessity for meeting an evil that "will turn to be an actual calamity for all of the nations of Europe whose prosperity and predominance" flow "from the community of institutions of all kinds, domestic administration, mild and tranquil, moral enlightened opinions and beneficent and pure religion that brings them all together in one family of nations," yet "the kind of seduction which is favored in so many ways," apparently in France, "can only tend to isolate the nations and constrain the wisest and most indulgent princes to deny to themselves the introduction of truly useful reforms and to sacrifice for the progress of public happiness for the sake of order and tranquillity which are the bases thereof."

The instruction continues:

The first and most urgent measure appears to be a common and imposing declaration of their sentiments and intentions for the purpose of:

1. Warding off further violences which would endanger the person of the King, the Queen and the royal family;

2 To free the most Christian King and his family and at least save the most essential forms of French monarchy by bringing nearer to the new constitution the concessions that have been and may later be granted of the free will of the King and of the acknowledged powers of the nation.

If the uncautious extremities of the first class should immediately bring to action the help and revenge of all the powers, there would none the less be some doubt as to the efficiency of their interference on the second point unless they combine with their admonitions a display of force sufficient to give effect to their intentions. The Emperor takes his solemn engagement to take a vigorous share for his part in the measures that will be jointly agreed on and caresses the hope that the gravity of the danger will impel all the members of the German body to join their own efforts with those of the other powers.

Finally, can not, must not, reliance be placed for the support of the general concert on a large part of the French returning to their natural sentiments of generosity, reason and love for a king who sacrificed so much for them?[15]

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[14] Translation from *Quellen zur Geschichte der Kaiserpolitik Oesterreichs* by Vivenot and Zeissberg, vol. I, p. 209.

[15] *Ibid.*, p. 210.

For the purpose of avoiding the shedding of human blood and the miseries of war, Leopold suggested as a measure "likely perhaps to bring that distracted nation to its senses," that:

. . . a joint resolution of the foreign powers to suspend every intercourse of persons, trade and relations with a people who, persisting in the condition of revolt and manifest anarchy, would thereby resolve all the ties that bind it to the great community of European nations. That decision, followed by the recall of the ministers would come upon a formal refusal actually to set free the royal persons and proceed with the legal reform of the French constitution and would be maintained by severe measures and armaments worthy of consideration all made ready for the bringing into play the last resorts granting that every hope of warding off that necessity vanishes.[15]

Declaration of Pillnitz, August 27, 1791

The foregoing action of Leopold was followed on August 27, 1791, by the Declaration of Pillnitz which was issued by the Emperor Leopold and Frederick William II of Prussia. This declaration reads:

[Translation]

His Majesty the Emperor and His Majesty the King of Prussia, after hearing the wish and remarks stated by Monsieur (brother of the King of France) and Count d'Artois, jointly declare that they regard the situation in which His Majesty the King of France is now placed as a matter of common interest to all the sovereigns of Europe. They hope that this interest cannot fail to be acknowledged by the powers whose assistance is asked; and that as a consequence they will not refuse to bring into play jointly with Their Majesties the most efficacious means in comparison with their strength, to put the King of France in condition to strengthen in full freedom the foundations of a monarchical government equally suitable to the rights of the sovereigns and the well-being of the French nation. Then and in that case Their aforesaid Majesties the Emperor and the King of Prussia have resolved to take broad action in common accord with the forces that may be necessary to achieve the contemplated common end.

In the meanwhile they will issue to their troops suitable orders so that they may be at hand for action.

At Pillnitz, *August 27, 1791.*

(Signed) Leopold Frederic Guillaume[16]

It is supposed that there was attached to this declaration a series of secret articles, Article 1 of which reads:

[Translation]

The high contracting powers will in concert take the measures that will be the most effective both in a general way for the maintenance of the treaties that are existing with France and in particular as to the representations to be made to that nation, and will ask the whole Empire to share therein in case friendly representations should still be fruitless.[17]

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[15] *Ibid.*

[16] De Martens, *Recueil des principaux traités*, vol. v, p. 35.

[17] *Ibid.*, p. 36.

Martens states that these articles "never were acknowledged or officially published by the contracting parties."

Thus monarchy was preparing to defend itself.

French constitution of 1791

On September 14, 1791, the French King, Louis XVI, signed a new Constitution creating a limited monarchy. The Constitution was drawn by the National Constituent Assembly. This was the first written constitution of any importance that was ever issued by any European country.[18]

The reaction of the French revolutionists to these declarations by Prussia and Austria, and the measures adopted by those two Governments with reference thereto, led to a declaration of war on April 20, 1792, by France against Prussia and Austria.[19]

The course of events in Europe during the decade 1791 to 1800, has been given and outlined above. This period marked the triumph of the French Revolution and the rise of Napoleon, who first became First Consul of the French Republic (1799) then on May 18, 1804, proclaimed Emperor; and December 2, 1804, crowned Emperor of France.[20]

Alexander proposes a European league against France, under the auspices of Russia and England

The success of the French armies under the guiding genius of Napoleon had so widely extended the boundaries of France and had brought so much of Central Europe and parts of Italy within the control of France that the balance of Europe was brought almost to the verge of panic. The Tsar Paul, father of Alexander I of Russia and sometimes designated as "the crazy admirer of Bonaparte,"[21] having been assassinated, Alexander I came to the throne of Russia.

In 1804 (September 11) the Tsar, moved by the universal apprehension over France, commissioned his friend, Nikolai Nikolaievich Novosiltsov, as envoy on a special mission to London. The Third Coalition was in process of formation. Secret instructions, said to have been drawn by Czartoryski[22] were issued to Novosiltsov under date of September 11, 1804.

This instruction sets out the views of Alexander regarding his conception of the rights of peoples and governments, which views, seemingly intensified, lay behind the Holy Alliance. The following

[18] Hayes, *A Political and Social History of Modern Europe*, vol. I, p. 485.
[19] *Ibid.*, p. 499.
[20] *Ibid.*, pp. 523 *et seq.*
[21] *Ibid.*, p. 537.
[22] Phillips, *The Confederation of Europe*, p. 82.

rather copious extracts from the instruction, are of particular interest:

[Translation]

A combination of the resources and forces of Russia and Great Britain would no doubt constitute a great wealth of power and could not but promise the most satisfactory results. But I would not sincerely take a hand in this unless I felt certain that it would be appointed for a truly useful and beneficent purpose. I have already given my sentiment on this point in my instructions to Count Vorontzow, of which you are the bearer. . . .

The most powerful weapon the Frenchmen have heretofore brought into use and with which they are still threatening all countries, is the universal opinion which they manage to spread that theirs is the cause of liberty and prosperity for the peoples. That so great a cause could be considered as the exclusive property of the Government which in no sense deserves to stand as its defender, would bring shame upon mankind; there would be danger for all the States to let the French hold much longer the decided advantage of keeping up that appearance. The good of mankind, the true interest of lawful authorities, and the success of the undertaking that the two powers would contemplate, demand that they wrest from the French that formidable weapon and that in the act of taking it to themselves they use it against the Frenchmen.

This is the first object concerning which I wish to arrive, if possible, at an understanding with the British Government, and you will bring it to regard this as a *sine qua non* condition in order to arrive at an intimate and cordial union between Russia and England. Being adverse to have mankind take any steps backward, I should like to have the two Governments agree with each other that far from aiming to restore, in the country which must be freed from the Bonaparte yoke, former abuses and a condition of affairs which minds that have had a taste of the forms of independence could not brook, an effort will be made on the contrary to guarantee to them freedom resting on its true bases. That, in my opinion, is the principle on which the two powers must take action and they must ever conform to it in their course and utterances and proclamations.

Since the countries that France oppresses may first be freed from its yoke before any thought is given to freeing France, the first matter to take up is that of settling their destinies.

[Here followed a discussion of suggested adjustments of particular States.]

I will now consider the action which I felt assured must necessarily be taken with regard to France itself. After achieving success abroad and by fair, benevolent and liberal principles winning the consideration and inspiring a general and well deserved confidence, so that any promise from an ally may be relied upon to make a favorable impression on it the French nation will be told that it is not against it but only its government, which is as tyrannical to France as it is to the rest of Europe, that the action is aimed; that originally nothing more was contemplated by delivering the country from the yoke that bore upon it; that in now addressing the French people neither revolt nor disregard of law is the text but all parties which have heretofore divided it are urged to rely on the intentions of the allied powers which have no other wish than that of ridding France from the despotism under which it is groaning to allow it free to select the government it wishes to take upon itself, and that in that respect far from any desire to lay shackles upon it the purpose of the union was to break them.

Taking it for granted that for the good of Europe and France it is necessary that it be given a monarchical constitution, the motion must be expected to come from the nation; some effort may be made to start it but in no wise should that intention be prematurely declared.

The cabinets of St. Petersburg and St. James will agree on all those points and on the man and family that might be called upon to ascend the throne of France. If a Bourbon, which, and at what time will he be advised; the course that will be demanded of him, the terms to which he must subscribe and the most essential of which would be to obey any constitution that may be adopted. I deem this choice to be secondary and for my part shall attach only such importance as our operations may be hampered or promoted by it.

This is neither the time nor the place for an outline of the various forms of government that must be set up in those several countries. I leave it entirely with you to deal with the English Minister on that important point. The principles undoubtedly must everywhere be the same and that is the point on which before all an agreement should be reached. They must rest everywhere on the sacred rights of mankind, yield the order which necessarily goes with it; in all places institutions must be governed in the same spirit of wisdom and benevolence. But the same principles may have to be applied differently in different parts and the two powers with a view to arriving at an agreement on that point will consider the means of procuring on the spot fair, impartial, and full data in which faith could be placed. By strictly adhering to that course and finally tearing off the masks of a scandalous government which is alternatively bringing into play despotism and anarchy in order to arrive at its ends, carefully separating its cause from that of the peoples whom it tyrannizes by humoring and tranquillizing both by word and by deeds their sensitive pride which flies up when hurt and dreads disgrace more than all else, we may rely on their sincere assistance, succeed in the noble and useful plan that may be devised, and elicit among nations a general enthusiasm for the two beneficent governments that conceived the idea, the effects of which for the good cause could not be overestimated.

In addition to the fact that the principles upon which I propose to England to act in intimate concert must be regarded as being the true and perhaps the only means of confining the French power within its just bounds they will also singularly contribute in setting upon substantial and lasting foundations the future tranquillity of Europe. It seems to me obvious that that great end could only be regarded as achieved when the nations on the one hand are made to be more closely bound with their governments through putting the said governments in a position to take the course most conducive to the great good of the people under them while on the other hand the relations of states with one another will be placed on more precise rules, respect of which would be to their own advantage. Further consideration of these points and the experience of centuries afford sufficient evidence that those two results cannot be brought about until the internal social order is made to rest on a wise freedom which seems to impart more strength to the governments and, in a way, fence off the passions, unchecked ambition or mania which often misguides the men who happen to be at the head, and until the international law which regulates the relations of the European federation shall at the same time have been reestablished on its true principles.

When the influence of the two governments which would save Europe reaches its highest degree of consistence and power, should it not be brought into play for the purpose of strengthening and perfecting the work which I suppose would then be almost completed? The union no doubt which made those great ad-

vantages possible must last so as to preserve, and if possible enlarge, those advantages. There will be nothing to prevent that, after peace, attention be given to a treaty which would become the foundation for the reciprocal relations of the European States. This is even bound to come at the time of the general pacification if it can be managed not to allow any separate peace arrangements, a purpose in which it will be of the highest interest to the two powers to bring their most consistent attention into play.

When the Treaty of Westphalia was negotiated nearly the same end had been taken in mind; but the condition of the lights and the circumstances of those days were the cause of that work which was long accepted as the code of modern diplomacy failing actually to yield the advantages that might be expected from it.

Perpetual peace is not the dream that is to be brought into being; yet that end would be neared in more than one respect if in the treaty which would make an end of general war it could be managed to lay down clear and precise principles for the provisions of international law. Why could it not be made to overrule the positive law of nations, to insure the privileges of neutrality, to insert the obligation never to start a war until all the means that a mediated third power could tender have been exhausted and in this way be made to lighten the respective grievances and make an effort to smooth them off? On such principles could steps be taken towards general pacification and birth be given to a league, the stipulations of which would, so to speak, make a new code of international law, which after being sanctioned by the greatest number of the States of Europe would easily become the unchangeable rule of the cabinets, all the more as those who would offer to break it would take the risk of drawing upon themselves the full strength of the new union.

After undergoing so many alarms, experiencing the objectionable results of precarious or illusory independence, most governments will likely join a league which would afford them the highest guarantee of tranquillity and safety; the second-rate State in particular would go in it body and soul. If it be further considered that several of them would introduce in their own rule the seed of tranquillity and a cure against the violent course of arbitrary power, that the light, example, and trend furnished by Russia and England would more and more spread that spirit of wisdom and justice, it is reasonable to hope that Europe would then enjoy for a long period a condition of peace and prosperity as it has never had; but it is particularly the intimate tie binding the courts of St. Petersburg and London which would afford a guarantee that that condition of things would last. These two powers are the only ones in Europe which for many years may have no jealous feeling, no conflicting interests standing between them, and their union, because it could be lasting, would from that very fact be the most apt to prevent future disturbances of the peace.

There is no doubt that in order to add still more strength to such an arrangement and if it were possible in outlining it to bear in mind only the good of the States in general and the happiness of every nation in particular, we should in doing so also set the boundaries of the several countries that are best adapted to them. We should then particularly make it a point to observe those indicated by nature itself, either by mountain ranges, or by seas, or finally by outlets which must be guaranteed to all for the products of their soil and industry. We should at the same time make up every State of homogeneous peoples who would suit one another and keep in harmony with the government that rules them. The commotions that have been constantly shaking Europe for so many centuries originate for the most part in the fact that this natural equilibrium was totally ignored. . . .

It is obvious also that the existence of States decidedly too small, would not serve the purpose that is in mind, since without any strength of their own they could only be lures and tools for ambition without being of any particular service to the general welfare. This objectionable feature could only be remedied by merging them into bigger States or forming federative unions of small States. The necessity of shackling France and of offsetting Austria and Prussia demands that these considerations be kept in mind with regard to Italy and chiefly with regard to Germany. That Empire appears from its constitution to be readier for a suitable change, but one moment of consideration is enough to satisfy any one that this is only an apparent readiness.

. . . Shall we ever succeed in creating a more intimate union, a more concentrated federative government among the several States which make up the Germanic Empire, and on this assumption would it not be desirable to part from it the Austrian and Prussian Monarchies, whose forces are so much out of proportion, as to do away with equilibrium and *esprit de corps* and patriotism? These are considerations that should be given careful attention if the question were to settle the fate of Germany.

. . . . .

Once led by the same views and the same sentiments the two governments will easily reach an understanding as to the course to be followed with regard to the other powers which would be made to take a part in the struggle. The fear of forfeiting the support of Russia and the subsidies of England will induce Austria to be led by our suggestions in the war that it is inclined to commence with us. It will be hard to have Prussia enter of her own accord in a combination against France. The engagements of that power with Russia are well known. The case will arise to decide whether it will not be advisable to compel her to take sides rather than to let her stand neutral. Russia is particularly in a position to exert pressure on her, and the Cabinet of Berlin by the dual engagements it has just made in its promise not to allow either French or Russian troops to pass, may find itself in the trying position it would have shunned.

Whoever the future cooperators may be, the English Cabinet, if it once shares our ideas, will realize the necessity of keeping our innermost views hidden, to confine itself to steering towards the contemplated aim with the means that we shall have to call upon and which must be skillfully used in common accord.

. . . . .

The time has come to mention the obligation that would lie upon the two powers at the end of a struggle that would be so costly, to reserve to themselves some advantages in compensation for the expenses they shall have been put to, and as testimonies to their nations of the fact that their interests have not been overlooked. Russia in particular has a right to demand that if her neighbors, Austria, Prussia, Sweden, for instance, are given advantages that can only be promised to them as an inducement for them to act, she will also get equivalent advantages. A last consideration, which comes in support of this argument, is that the tranquillity of Europe can only be maintained through a league to be formed under the auspices of Russia and England, which will be joined by all second-rate States and all those which have a genuine desire of being at peace. That league will overawe all would-be disturbers. Now in order to give it true consistency and to avoid disappointments in the results, the two protecting powers must maintain some degree of preponderance in the affairs of Europe, as they are the only ones which, on account of their position, have an invariable interest in the maintenance of order and justice, the only ones which can main-

tain them through their union and which harboring no desires and conflicting interests will never disturb that happy tranquillity.

. . . . .

I shall not hide from you before closing that I am convinced that in order that the broad plan I have in mind may be admitted in all its breadth in London and prove a success in its execution, there should be in power a Cabinet in which all the parties, the leading talent of England, may be brought together; and that with the help of such great lights and with the support of the confidence of the nation, it may be in condition to display its immense facilities and steadfastly keep on the way which it had proposed for itself. You will, therefore, aim mainly to bring about such a change that is so necessary in the English Government.[23]

There is set out here the replacement of France as the leader in "the cause of liberty and prosperity of the peoples"; the various forms of European government "must rest everywhere on the sacred rights of mankind," though (certainly as to France) government must be under "a monarchical constitution"; the principles to be applied to France will "singularly contribute in setting upon substantial and lasting foundations the future tranquillity of Europe"; international law is to be "reestablished on its true principles"; a treaty shall be drawn which shall "become the foundation for the reciprocal relations of European states"; a treaty "which would make an end of general war" should "lay down clear and precise principles for the provisions of international law"; upon these principles, which might bring about a general pacification a league might be given birth "which after being sanctioned by the greatest number of the States of Europe would easily become the unchangeable rule of the cabinets"; the "fear of forfeiting the support of Russia, and the subsidies of England" were to be an operative sanction towards the establishment of this scheme; thus "the tranquillity of Europe can only be maintained through a league to be formed under the auspices of Russia and England. . . . That league will overawe all would-be disturbers."

These were the fundamental conceptions which, for the next quarter of a century, almost, were to dominate Russia in her international relations.

Pitt's reply to Alexander

To this communication Pitt replied through his Minister for Foreign Affairs, Lord Mulgrave, on January 19, 1805, as follows:

The result of the Communications which have been made by Prince Czartoriski to His Majesty's Ambassador at St. Petersburgh, and of the confidential explanations which have been received from Your Excellency, has been laid before The King; and His Majesty has seen with inexpressible satisfaction, the wise, dignified, and generous policy, which the Emperor of Russia is dis-

[23] *Memoires du Prince Adam Czartoryski*, vol. II, pp. 28–44.

posed to adopt, under the present calamitous situation of Europe. His Majesty is also happy to perceive, that the views and sentiments of the Emperor respecting the means of effecting the deliverance of Europe, and providing for its future tranquillity and safety, correspond so entirely with his own. He is, therefore, desirous of entering into the most explicit and unreserved explanations on every point connected with this great object, and of forming the closest union of Councils, and concert of Measures, with His Imperial Majesty, in order, by their joint influence and exertions, to insure the co-operation and assistance of other Powers of the Continent, on a scale adequate to the magnitude and importance of an undertaking, on the success of which the future safety of Europe must depend.

For this purpose, the first step must be to fix, as precisely as possible, the distinct objects to which such a Concert is to be directed.

These, according to the explanation given of the sentiments of the Emperor, in which His Majesty entirely concurs, appear to be 3:

1st. To rescue from the Dominion of France those Countries which it has subjugated since the beginning of the Revolution, and to reduce France within its former limits, as they stood before that time.

2dly. To make such an arrangement with respect to the Territories recovered from France, as may provide for their security and happiness, and may at the same time constitute a more effectual Barrier in future against encroachments on the part of France.

3rdly. To form, at the restoration of Peace, a general agreement and guarantee, for the mutual protection and security of different Powers, and for re-establishing a general system of Public Law in Europe.

The first and second objects are stated generally, and in their broadest extent; but neither of them can be properly considered in detail, without reference to the nature and extent of the means, by which they may be accomplished. The first is certainly that, to which, without any modification or exception, His Majesty's wishes, as well as those of the Emperor, would be preferably directed, and nothing short of it can *completely* satisfy the views which both Sovereigns form for the deliverance and security of Europe. Should it be possible to unite in a Concert with Great Britain and Russia the 2 other great Military Powers of the Continent, there seems little doubt that such an union of force would enable them to accomplish all that is proposed:—but if (as there is too much reason to imagine may be the case) it should be found impossible to engage Prussia in the Confederacy, it may be doubted whether such operations could be carried on in all the Quarters of Europe, as would be necessary for the success of the whole of this Project.

The second point, of itself, involves in it many important considerations. The views and sentiments by which His Majesty and the Emperor of Russia are equally animated, in endeavouring to establish this Concert, are pure and disinterested.

Their first view, therefore, with respect to any of the Countries which may be recovered from France, must be to restore, as far as possible, their ancient rights, and provide for the internal happiness of their inhabitants; but in looking at this object, they must not lose sight of the general security of Europe, on which even that separate object must principally depend.

Pursuant to this principle, there can be no question that, whenever any of these Countries are capable of being restored to their former Independence, and of being placed in a situation in which they can protect it, such an arrangement must be most congenial to the policy and the feelings on which this system is founded; but there will be found to be other Countries among those now under the Dominion of France, to which these considerations cannot

apply, where either the ancient relations of the Country are so completely destroyed that they cannot be restored, or where independence would be merely nominal, and alike inconsistent with security, for the Country itself, or for Europe; happily the larger number is of the first description. . . .

. . . There appears, therefore, to be no possible objection, on the strictest principles of justice and public morality, to making such a disposition, with respect to any of these Territories, as may be most conducive to the general interests; and there is evidently no other mode of accomplishing the great and beneficent object, of re-establishing (after so much misery and bloodshed) the safety and repose of Europe on a solid and permanent basis. It is fortunate, too, that such a Plan of arrangement as is in itself essential to the end proposed, is also likely to contribute, in the greatest degree, to secure the means by which that great end can best be promoted.

. . . . .

Supposing the efforts of the Allies to have been completely successful, and the 2 objects already discussed to have been fully obtained, His Majesty would nevertheless consider this salutary work as still imperfect, if the restoration of Peace were not accompanied by the most effectual measures for giving solidity and permanence to the system which shall thus have been established. Much will undoubtedly be effected for the future repose of Europe by these Territorial arrangements, which will furnish a more effectual Barrier than has before existed against the ambition of France. But in order to render this security as complete as possible, it seems necessary, at the period of a General Pacification, to form a Treaty to which all the principal Powers of Europe should be Parties, by which their respective rights and possessions, as they shall then have been established, shall be fixed and recognized; and they should all bind themselves mutually to protect and support each other, against any attempt to disturb or infringe them. It should re-establish a general and comprehensive system of Public Law in Europe, and provide, as far as possible, for repressing future attempts to disturb the general tranquillity; and above all, for restraining any projects of aggrandizement and ambition, similar to those which have produced all the calamities inflicted on Europe, since the disastrous era of the French Revolution.[24]

England and Russia make a treaty of alliance

On April 11, 1805, England and Russia entered into a treaty of alliance, of which Articles 1 and 2, separate Article 6, and paragraph 4 of Article "first, separate and secret" read in translation as follows:

Article 1

Since the trying times experienced by Europe called for prompt remedy, their Majesties the Emperor of all the Russias and the King of the United Kingdom of Great Britain and Ireland, have agreed to seek means of bringing them to an end without awaiting the event of further encroachments from the French Government. They have, therefore, agreed to use the most speedy and effective means towards forming a general league of the States of Europe and induce them to accede to this concert, and gathering, for the purpose of achieving this object, a force which, apart from that which His Britannic Majesty may furnish, may rise to 500,000 active men, and use it with energy to bring the French

[24] *British and Foreign State Papers*, vol. II, pp. 341–345.

Government, with or against its will, to subscribe to the restoration of peace and equilibrium in Europe.

ARTICLE 2

The league's aim would be to bring into effect what is had in mind in this concert, namely: (*a*) the evacuation of the Hanover country and the North of Germany; (*b*) the establishment of independence for the Republics of Holland and Switzerland. (*c*) The restoration of the King of Sardinia in Piedmont with the territory as large as circumstances may permit. (*d*) The future safety of the Kingdom of Naples and the total evacuation of Italy, including the Island of Elba by the French forces. (*e*) The establishment of an order of things in Europe which will effectively guarantee the safety and independence of the several States and raise a substantial barrier against future usurpations.[35]

SEPARATE ARTICLE 6

His Majesty the Emperor of all the Russias and His Majesty the King of the United Kingdom of Great Britain and Ireland, having been prompted to establish an energetic concert between themselves with the only view to secure stable and lasting peace founded on the principles of justice, equity and international law, which are their constant guides for Europe, have recognized the necessity of coming, even now, to an agreement concerning the several principles they will bring forth in accordance with the previous agreement as soon as the fortunes of war will make it necessary.

Those principles are in nowise to stand in the way of the national wish of France relative to the form of Government or in the other countries where combined armies should happen to operate; not to appropriate to themselves before peace any of the conquests which might be met by either belligerent party and to take possession of the States and territories that would be taken from the common enemy only in the name of the country or State to which they belong by recognized right, and in any other case in the name of all the members of the league. Lastly, to bring together at the end of the war a general congress for the purpose of discussing and fixing on bases more precise than they could unfortunately be up to date, the prescriptions of international law and guarantee their observation by establishing a federative system devised according to the situation of the several States of Europe.

That separate article will have the same force and value as if it had been inserted word for word in the concert that was signed on this day and shall be ratified at the same time.[36]

ARTICLE FIRST, SEPARATE AND SECRET

4. Their Majesties taking the most lively interest in the fulfillment of the purposes they have in mind in separate Article 6, and also in the present secret article, and particularly in having the prescriptions of international law discussed and settled in a precise manner, and their enforcement guaranteed by the general assent and by the establishment in Europe of a federative system that will guarantee the independence of the weak States by raising a formidable barrier against the ambition of the strongest, they will come to a friendly agreement among themselves on the points that may have to do with those objects, and form an intimate union to carry out the happy effects thereof. That secret article will have the same force and value as if it had been inserted

[35] John Holland Rose, *The Third Coalition against France*, 3d ser., vol VII. p. 266.

[36] *Ibid.*, p. 270.

word for word in the concert that was filed on this date, and shall be ratified at the same time.[27]

Kutusov's proclamation of January 1, 1813

When Alexander crossed the Niemen and entered East Prussia, January 1, 1813, his General, Marshal Kutusov, published a proclamation which declared:

> Providence has blessed the arms of the Emperor my master. . . . Independence and peace will be the result. His Majesty offers his assistance to all the peoples which, to-day forced to oppose him, shall abandon the cause of Napoleon and henceforth follow only their own interests.[28]

Russian-Prussian treaty of February 28, 1813

On February 28, 1813, Russia and Prussia signed a treaty at Kalisch, in the preamble of which it is stated:

> The total destruction of the hostile forces which had penetrated into the heart of Russia, has prepared the great epoch of independence for all the states which shall desire to seize the occasion to throw off the French yoke which has for so many years weighed upon them. . . . In leading his victorious troops beyond his own borders, the first idea of H. M. the Emperor of all the Russias was to rally to the fair cause in which Providence has so visibly protected his old and most dear allies, in order with them to fulfill the destinies on which depend the happiness and repose of the peoples exhausted by so much unrest and so many sacrifices.[29]

Proclamation of Alexander and Frederick William, March 25, 1813

On March 25, 1813, Alexander and Frederick William III of Prussia issued to the German people a proclamation which declared that the alliance aimed only "at recovering for the German nation its imprescriptible rights of liberty and independence." Of this incident Sorel is quoted as saying:

> In 1792 France had preached war and the cosmopolitan Revolution; in 1813 Russia unchained the war of nationalities.[30]

British position

The instructions of Castlereagh of December 26, 1813, as he proceeded to the conference which, as it transpired, was to conclude the treaty of Chaumont, provided:

> The Treaty of Alliance is not to terminate with the war, but is to contain defensive engagements, with mutual obligations to support the Power attacked by France with a certain extent of stipulated succours. The *casus foederis*

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[27] *Ibid.*, p. 274.
[28] Phillips, *The Confederation of Europe*, p. 59.
[29] *Ibid.*, pp. 59–60.
[30] *Ibid.*, p. 60.

is to be an attack by France on the European dominions of any one of the contracting parties.[21]

The comments of Phillips upon the relative positions of Alexander and Great Britain on the matter of this proposed grand alliance are worthy of reproduction:

> Here we have at the very outset the European Alliance defined as Great Britain from first to last conceived it. In contradistinction to Alexander's unlimited union with indefinite objects, it was to be a limited union with definite objects. In taking this attitude Great Britain was doubly strong; she was materially strong because on her financial support the whole combination depended; she was morally strong because from the first she clearly defined her own requirements and the limits within which she was prepared to sacrifice her own immediate profit to the ultimate good. Sorel, writing as usual from a somewhat narrowly French point of view, says in his summary of Castlereagh's character and policy that "he piqued himself on principles to which he held with an unshakable constancy, which in actual affairs could not be distinguished from obstinacy; but these principles were in no degree abstract or speculative, but were all embraced in one alone, the supremacy of English interests; they all proceeded from this high reason of state."
>
> Now, even had this been entirely true, it could hardly be put to Castlereagh's discredit; it is the duty of a statesman to consider first of all the interests of his country. But it is only partially true—or rather it is a *suggestio falsi*. Castlereagh put English interests first; but he believed firmly that these interests were not inconsistent with the general good. Years later, Canning was to declare that henceforth Great Britain was to "revolve in her own orbit." If Castlereagh brought her into the European system, allowing her course to be deflected by the influence of alien bodies, it was because he believed—and I think rightly—that under the circumstances of the times this was the only way to produce and preserve the general peace. "The interests of Great Britain," we find in a memorandum signed by the British plenipotentiaries at Langres on February 2, 1814, "neither require to be asserted with chicane nor with dexterity—a steady and temperate application of honest principles is her best source of authority." And these principles, as Sorel rightly says, were in no degree abstract or speculative. We may sum them up as those of *Realpolitik* tempered by altruism. They stood from first to last in contrast and opposition to the principles championed by the Emperor Alexander, which may be summed up as altruism tempered by *Realpolitik*—principles which he maintained with that invincible obstinacy which, as Caulaincourt rightly observed, in spite of an apparent pliability, due to the dissimulation almost obligatory on princes, lay at the very root of his character.[22]

Treaty of Chaumont

On March 1, 1814, a treaty of "union, concert, and subsidy" was entered into between Great Britain, Austria, Prussia, and Russia, known as the treaty of Chaumont, the opening paragraph of which reads:

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[21] Phillips, *The Confederation of Europe*, p. 67.

[22] *Ibid.*, pp. 67–69.

[Translation]

. . . having transmitted to the French Government proposals for concluding a General Peace, and being desirous, should France refuse the Conditions therein contained, to draw closer the ties which unite them for the vigorous prosecution of a War undertaken for the salutary purpose of putting an end to the miseries of Europe, of securing its future repose, by re-establishing a just balance of Power, and being at the same time desirous, should the Almighty bless their pacific intentions, to fix the means of maintaining against every attempt the order of things which shall have been the happy consequence of their efforts, have agreed to sanction by a solemn Treaty, signed separately by each of the 4 Powers with the 3 others, this twofold engagement.[33]

It was under this treaty which created the Grand Alliance, and its renewals, that operations among the powers so allied, were conducted during the remainder of the Napoleonic wars.

Treaties of Paris

As already pointed out, Paris fell on March 30, 1814. Following the fall of Paris three treaties were negotiated: April 11, 1814, the treaty of peace between Austria, Prussia, Russia and France;[34] April 23, 1814, treaty between Great Britain and France for the cessation of hostilities;[35] May 30, 1814, the definitive treaty of peace between Great Britain and the Allies on the one side and France on the other (first Treaty of Paris).[36]

Di Borgo accurately forsees American policy

In August 1814, when negotiations were opened between the United States and Great Britain for a treaty of peace, Pozzi di Borgo, Russian Ambassador to Paris, in a letter to Nesselrode, commented upon the aims of the United States in a manner which showed he had an appreciation of the feelings of the United States as against Europe. He is quoted as saying:

The conclusion of this important matter [negotiations for peace] is uncertain. The dominant party in America, which desired the war, is aiming at a complete revolution in the relations of the New World with the Old, by the destruction of all European interests in the American continent.[37]

British-Austrian treaty of 1815

The conduct of Alexander with reference to France and the restored Bourbon monarch was such, at this time, as to create grave

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[33] *British and Foreign State Papers*, vol. 1, pt. 1, pp. 121–122.
[34] *Ibid.*, p. 137.
[35] *Ibid.*, p. 143.
[36] *Ibid.*, p. 151.
[37] Phillips, *ibid.*, p. 90.

apprehensions in the minds of British and Austrian statesmen as to the course which he was likely to pursue. Accordingly, Castlereagh and Metternich (who, with Talleyrand, must be regarded as the great European diplomats of the time) negotiated a treaty of alliance, under date of January 3, 1815, which was aimed to provide a secret alliance which should be able to meet a possible alliance between Alexander and the restored Bourbon King of France.

British-French treaty of 1815

But there was also a fear upon the part of Castlereagh that Alexander might attempt to be a Napoleon, and on the same day that Great Britain signed with Austria a treaty of alliance, it also signed with France a treaty of alliance in identical words. The opening paragraph of the preamble of this treaty reads as follows:

[Translation]

His majesty the King of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of Austria, King of Hungary and Bohemia, and His Majesty the King of France and Navarre, being convinced that the Powers which have to perfect the provisions of the Treaty of Paris must be kept in a state of safety and perfect independence in order to be in position faithfully and properly to discharge so important a duty; regarding, therefore, as necessary, because of the pretentions recently made known to provide for the ways and means of repelling any aggression to which their own possessions or those of any one of them might be exposed, in hatred of the propositions they deemed it their duty to make and uphold in common accord, on principles of justice and equity; and having it no less at heart to perfect the provisions of the Treaty of Paris in the manner that will conform as well as possible to its true purport and spirit; have, to those ends, resolved to have a solemn Convention between themselves and to conclude a Defensive Alliance.[38]

Napoleon quit Elba and arrived at Cannes March 1, 1815. He was defeated at Waterloo, on June 18, 1815. The final act of the Congress of Vienna was signed on June 9, 1815, just nine days before Waterloo.

On March 25, 1815, the news of Napoleon's return having reached Vienna, the four powers, Austria, Great Britain, Prussia, and Russia, signed a treaty renewing that of Chaumont.

The Holy Alliance

The position of Russia during the winter of 1814–1815 was such as to cause considerable apprehension in the minds of statesmen of Western Europe.[39] This apprehension was not lessened by the attitude of Alexander when he reached Paris the second time (on July 10, 1815),[40] for he had by this time fallen under the influence of the Baroness von Krudener. Concerning her, Phillips says:

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[38] *British and Foreign State Papers*, vol. II, pp. 1001–1002.
[39] Phillips, *The Confederation of Europe*, p. 107.
[40] *Ibid.*, p. 128.

. . . Suffice it to say that she was the daughter of a wealthy Livonian noble and widow of a Russian ambassador, and that, after a youth spent in frivolity, she had in 1806 "found salvation" through the agency of a pious cobbler of Riga.[41]

It would appear that this woman was to exert great influence over the Emperor, not only during his presence in Paris at this time, but for some time thereafter. She had first apparently met the Emperor on June 4 at his headquarters at Heilbronn where she sought an interview. The result (as narrated by Phillips) is as follows:

. . . To the Tsar, who had been reading the Bible in solitude, her sudden arrival came as an answer to his prayers. She was at once admitted, and for three hours preached her strange gospel, while the Autocrat of all the Russias sat sobbing, with his face buried in his hands. At last, alarmed at the effects of her words, she ceased, and prayed the Emperor to pardon her temerity. "Do not be afraid," replied Alexander; "all your discourse has justified itself to my heart; you have helped me to discover in myself things which I had never yet perceived. I thank God for it. But I shall often have need of similar conversations, and I beg you not to leave my neighbourhood."[42]

It was in this "exalted mood" that during the next weeks Alexander lived and moved forward in his dream of European peace and union.

On September 26 (a little more than three months after the Von Krudener interview) at a great review of the allied troops on the plain of Vertus near Chalons, Alexander announced that he, together with Frederick William of Prussia and Leopold of Austria, had concluded the Holy Alliance to which all the Christian sovereigns of Europe were to be invited to join. This Holy Alliance reads as follows:

In the name of the Most Holy and Indivisible Trinity.

Their majesties the Emperor of Austria, the King of Prussia, and the Emperor of Russia, having, in consequence of the great events which have marked the course of the three last years in Europe, and especially of the blessings which it has pleased Divine Providence to shower down upon those States which place their confidence and their hope in it alone, acquired the intimate conviction of the necessity of settling the steps to be observed by the Powers, in their reciprocal relations, upon the sublime truths which the holy religion of our Saviour teaches;

They solemnly declare that the present Act has no other object than to publish, in the face of the whole world, their fixed resolution, both in the administration of their respective States, and in their political relations with every other Government, to take for their sole guide the precepts of that Holy Religion, namely, the precepts of Justice, Christian Charity and Peace, which, far from being applicable only to private concerns must have an immediate influence upon the counsels of Princes, and guide all their steps, as being the only means of consolidating human institutions and remedying their imperfections. In consequence, their Majesties have agreed on the following articles:—

[41] *Ibid.*, p. 129.
[42] *Ibid.*, p. 131.

ART. I. Conformably to the words of the Holy Scriptures which command all men to consider each other as brethren, the Three contracting Monarchs will remain united by the bonds of a true and indissoluble fraternity, and, considering each other as fellow-countrymen, they will, on all occasions and in all places, lend each other aid and assistance; and, regarding themselves towards their subjects and armies as fathers of families, they will lead them, in the same spirit of fraternity with which they are animated, to protect Religion, Peace, and Justice.

ART. II. In consequence, the sole principle of force, whether between the said Governments or between their subjects, shall be that of doing each other reciprocal service, and of testifying by unalterable goodwill the mutual affection with which they ought to be animated, to consider themselves all as members of one and the same Christian nation; the three allied Princes, looking on themselves as merely delegated by Providence to govern three branches of the One family, namely, Austria, Prussia, and Russia, thus confessing that the Christian world, of which they and their people form a part, has in reality no other Sovereign than Him to whom alone power really belongs, because in Him alone are found all the treasures of love, science and infinite wisdom, that is to say, God, our Divine Saviour, the Word of the Most High, the Word of Life. Their Majesties consequently recommend to their people, with the most tender solicitude, as the sole means of enjoying that Peace which arises from a good conscience, and which alone is durable, to strengthen themselves every day more and more in the principles and exercises of the duties which the Divine Saviour has taught to mankind.

ART. III. All the Powers who shall choose solemnly to avow the sacred principles which have dictated the present Act, and shall acknowledge how important it is for the happiness of nations, too long agitated, that these truths should henceforth exercise over the destinies of mankind all the influence which belongs to them, will be received with equal ardour and affection into this Holy Alliance.[43]

Alexander's own interpretation of the purpose of this alliance was given in a letter to Count Lieven, his Ambassador to St. James, on March 18, 1816. Alexander said:

The sole and exclusive object of the Alliance can only be the maintenance of peace and the union of all the moral interests of the peoples which Divine Providence has been pleased to unite under the banner of the cross. An act of this character could not contain any design hostile to the peoples who have not the happiness to be Christians. Its only aim is to favour the internal prosperity of each state and the general welfare of all, which ought to be the outcome of the friendship between their sovereigns, made all the more indissoluble by the fact that it is independent of accidental causes.[44]

Concerning this Holy Alliance Phillips makes the following comment:

In its origin and idea, then, the Holy Alliance was not a conspiracy of tyrants; it was not a Christian league against Turkey; nor was it altogether the "piece of sublime mysticism and nonsense" that Castlereagh judged it to be. Its political significance did not lie on the surface, but it was none the less there. It was that, in contradistinction to the treaties on which the Grand

[43] Phillips, *The Confederation of Europe*, pp. 301–302.
[44] *Ibid.*, p. 150.

Alliance was based, it had been signed by all the sovereigns of Europe except the Prince Regent of Great Britain, the Pope, and the Sultan. It represented, that is to say, a revival by the Emperor Alexander of that idea of a "Universal Union" or "Confederation of Europe" which he had propounded to Pitt in 1804. It is clear, as we shall see when we come to deal with the debates at the Congress of Aix-la-Chapelle, that this is what Alexander had in his mind, and also that he believed that, in securing their signatures to the act of the Holy Alliance, he had committed the sovereigns to the principle of an all-embracing international system.

. . . Pitt, as we have seen, had been willing to assist in establishing at the restoration of peace a convention and guarantee for the mutual protection and security of the different Powers, and a general system of public law in Europe; and Castlereagh had proposed such a system of mutual guarantee at Vienna. But both Pitt and Castlereagh had in their minds a very definite idea of the object and scope of the concert, which was to be directed solely to guaranteeing rights defined by treaty. But as for a union with vague and indefinite ends, Castlereagh from the first realized the danger involved in any interference of such a body, in the supposed general interests of Europe, with the liberties of the nations. He was a firm supporter of the Grand Alliance, with its clearly defined aims; from first to last he set his face against the vague and dangerous underlying principles of the Holy Alliance.[45]

This divergence of view between British statesmen and Alexander made necessary the negotiation of a new alliance, and so on November 20, 1815, a treaty was negotiated which again renewed the treaty of Chaumont. It was with some difficulty that Castlereagh secured the elimination from this new treaty of obligations of guaranty and in lieu thereof there was inserted an Article 6 by which the high contracting parties—

. . . agreed to renew at fixed intervals, either under their own auspices or by their representative ministers, meetings consecrated to great common objects and the examination of such measures as at each one of these epochs shall be judged most salutary for the peace and prosperity of the nations and for the maintenance of the peace in Europe.[46]

Conference at Aix-la-Chapelle

The earliest fruition of this treaty provision was found in the conference of Aix-la-Chapelle which held its first session on September 30, 1818.

The intervening three years since the alliance of November 20, 1815, had given rise to considerable misgiving. The occupation by the allied troops of France had not worked well. Ferdinand VII of Spain had shown himself to be most reactionary as had also Victor Emmanuel I of Sardinia and the Elector of Hesse. The German states had also given cause for anxiety. All this had had its effect upon Alexander "whose Jacobinism, though by no means extinct, was already fading."

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[45] *Ibid.*, pp. 150–152.

[46] *Ibid.*, p. 155.

He now "declared roundly that nine-tenths of the French people were corrupted by bad principles and violent party sentiments and that the rest were incapable of working a Constitution." [47]

Having been charged with an intention to bring about a breach with the Alliance, Alexander on September 29, 1818, the day before the first session of the conference, is reported to have said to Metternich:

> It will suffice to explain my principles, in order to dispense with the necessity of replying in detail to false reports which have gained only too much currency. I seek the welfare of the world in peace, and I cannot find peace except in the attitude we have adopted during the last five years, and in the maintenance of this attitude. I should regard as a felon whichever one of us should think fit to establish a tie foreign to that which unites us, and as a crime any change, whatever it may be, in our relations. . . . I will admit that proposals for an alliance have been addressed to me. I will leave it to you yourself to dictate the reply which I made to such proposals. . . . You know that I am scrupulous in everything. I am equally so in politics. My conscience will always prevent my committing voluntary errors. My army, as well as myself, is at the disposal of Europe.[48]

It was this last sentence which contained the germ of the motive and purpose which seemed to animate Alexander during the next years.

Concerning Alexander's views so expressed, Castlereagh said:

> It is impossible to doubt the Emperor's sincerity in his views, which he dilates upon with a religious rhapsody. Either he is sincere, or hypocrisy certainly assumes a more abominable garb than she ever yet was clothed in.[49]

Later, Castlereagh reported that the Emperor and his minister, Capo d'Istria—

> . . . were, in conversation, disposed to push their ideas very far indeed, in the sense of all the Powers of Europe being bound together in a common league, guaranteeing to each other the existing order of things, in thrones as well as in territories, all being bound to march, if requisite, against the first Power that offended, either by her ambition or by her revolutionary transgressions.[50]

The position of the British representative, Castlereagh, was one of unalterable opposition to this—

> . . . international police of which the undiminished armies of Russia would form the most powerful element.

Castlereagh declared that the plan—

> . . . was opening up to such a Power as Russia . . . an almost irresistible claim to march through the territories of all the Confederate States to the most distant points of Europe to fulfil her guarantee.[51]

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[47] Phillips, *The Confederation of Europe*, p. 165.
[48] *Ibid.*, p. 168.
[49] *Ibid.*, p. 170.
[50] *Ibid.*, p. 177.
[51] *Ibid.*

British position

The position of Great Britain was officially set forth in a memorandum submitted by Castlereagh in reply to a memorandum from the Russian cabinet. This memorandum as glossed by Phillips, after commenting upon the Holy Alliance as "constituting the European system in the matter of political conscience" and after pointing out that diplomatic obligations were to be sought in treaties which were divided into two classes, then proceeded:

> The problem of a Universal Alliance for the peace and happiness of the world has always been one of speculation and hope, but it has never yet been reduced to practice, and if an opinion may be hazarded from its difficulty, it never can. But you may in practice approach towards it, and perhaps the design has never been so far realized as in the last four years. During that eventful period the Quadruple Alliance, formed upon principles altogether limited, has had, from the presence of the sovereigns and the unparalleled unity of design with which the cabinets have acted, the power of travelling so far out of the sphere of their immediate and primitive obligations, without at the same time transgressing any of the laws of nations or failing in the delicacy which they owe to the rights of other states, as to form more extended alliances . . . to interpose their good offices for the settlement of differences between other states, to take the initiative in watching over the peace of Europe, and finally in securing the execution of its treaties.
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> The idea of an Alliance Solidaire, by which each state shall be bound to support the state of succession, government, and possession within all other states from violence and attack, upon condition of receiving for itself a similar guarantee, must be understood as morally implying the previous establishment of such a system of general government as may secure and enforce upon all kings and nations an internal system of peace and justice. Till the mode of constructing such a system shall be devised, the consequence is inadmissible, as nothing would be more immoral or more prejudicial to the character of government generally, than the idea that their force was collectively to be prostituted to the support of established power, without any consideration of the extent to which it was abused. Till a system of administering Europe by a general alliance of all its states can be reduced to some practical form, all notions of a general and unqualified guarantee must be abandoned, and the states must be left to rely for their security upon the justice and wisdom of their respective systems and the aid of other states according to the law of nations.[52]

The result of the conference was that two instruments were signed on November 15, 1818. One was a secret protocol renewing against France the Quadruple Alliance of Austria, Great Britain, Prussia and Russia, which was communicated in confidence to the French representative, Richelieu. The second was a declaration reading as follows:

> The Convention of October 9, 1818, which definitively regulated the execution of the engagements agreed to in the Treaty of Peace of November 20, 1815, is considered by the sovereigns who concurred therein as the accomplishment

[52] *Ibid.*, pp. 181–183.

of the work of peace, and as the completion of the political system destined to secure its solidity.

The intimate union established among the monarchs, who are joint-parties to this system, by their own principles, no less than by the interests of their people, offers to Europe the most sacred pledge of its future tranquillity.

The object of the union is as simple as it is great and salutary. It does not tend to any new political combination—to any change in the relations sanctioned by existing treaties; calm and consistent in its proceedings, it has no other object than the maintenance of peace, and the guarantee of those transactions on which the peace was founded and consolidated.

The sovereigns, in forming this august union, have regarded as its fundamental basis their invariable resolution never to depart, either among themselves or in their relations with other states, from the strictest observation of the principles of the right of nations: principles, which, in their application to a state of permanent peace, can alone effectually guarantee the independence of each Government, and the stability of the general association.

Faithful to these principles, the sovereigns will maintain them equally in those meetings at which they may be personally present, or in those which shall take place among their ministers; whether they be for the purpose of discussing in common their own interests, or whether they shall relate to questions in which other Governments shall formally claim their interference. The same spirit which will direct their councils and reign in their diplomatic communications will preside also at these meetings; and the repose of the world will be constantly their motive and their end.

It is with these sentiments that the sovereigns have consummated the work to which they were called. They will not cease to labour for its confirmation and perfection. They solemnly acknowledge that their duties towards God and the people whom they govern make it peremptory on them to give to the world, as far as it is in their power, an example of justice, of concord, and of moderation; happy in the power of consecrating, from henceforth, all their efforts to protect the arts of peace, to increase the internal prosperity of their states, and to awaken those sentiments of religion and morality whose influence has been but too much enfeebled by the misfortunes of the times.[58]

The conference and Spanish American colonies

It had been planned to discuss at the conference (1) the effective suspension of the slave trade; (2) the suppression of the Barbary pirates; (3) the refusal of the King of Sweden to carry out the provisions of the treaty of Kiel; and (4) a proposed mediation between Spain and her revolted American colonies. With reference to the action in the congress on this last point the following summary by Phillips is the best that has been found:

That the subject of the Spanish colonies was brought up at the Aix-la-Chapelle was largely due to the urgency of France. In July 1817 Richelieu had spoken strongly to Wellington of the condition of South America, which, he said, was "becoming daily more and more an object of attention and of hope to the disaffected in France and to the Jacobins throughout the world." He was not, at this time, in favour of submitting the question to a conference, "with its inevitable conflict of opinions," but thought that the initiative should

[58] Phillips, *The Confederation of Europe*, pp. 187–188.

be taken by Great Britain backed by the Powers. This plan appealed to Castlereagh as likely to counter Russian intrigues and to force Alexander to "urge Liberal principles upon the Spanish Government," but, as we have seen, it broke down on the stubborn obstinacy of Spain. A year later, on the eve of the Conference, the French Government urged that Ferdinand VII should be invited to Aix-la-Chapelle, not with a view to the restoration of his authority in Latin America by arms or mediation—which was now considered impracticable—but to press upon him the policy of establishing one or more of his family as independent sovereigns in the revolted provinces, Richelieu suggesting that a beginning should be made by setting up a Bourbon king of Buenos Aires. On August 24th the Spanish chargé d'affaires approached Alexander on this subject, on which the Emperor said he would consult his allies. The idea broke down owing to the opposition of Castlereagh, who gave as the ostensible reason of his disagreement his unwillingness to break the existing agreement "by receiving one Power to the exclusion of others," or to turn the meeting into a congress, which the Allies had determined to be inexpedient.

This decided the fate of the proposed mediation, the discussion of which began at Aix-la-Chapelle on October 23rd, and was concluded, so far as formal proceedings were concerned, on November 2nd. The outcome of these debates was that force was not to be used; that the same treatment should be meted out to the revolted as to the loyal colonies; and that mediation should be offered either by a board or by one delegate, the Duke of Wellington being suggested. The whole question of mediation, however, was ultimately shelved, owing to the proud refusal of Spain to accept the results of a Conference from which she was excluded.

Before the Conference broke up, however, the debates took a new turn, which is of very great interest in the light of subsequent events leading up to the proclamation of the Monroe Doctrine. This was no less than a proposal advanced by France and Russia to invite the United States to take part in a Conference of Ministers to be held at Madrid on the subject of the relation between Spain and her colonies. It was initiated by Richelieu in a memorandum on "the perils of the New World" which, in view of what has happened since and is occurring still, is certainly a remarkable document. In isolation, he argued, the United States would not constitute a danger; but it would be different were the Latin American states to imitate their institutions. "A complete republican world, young, full of ardour, rich in the products of all climates and with soil of incomparable fertility, establishing itself in the presence of a Europe grown old, everywhere ruled by monarchs, overcrowded with inhabitants, shaken by thirty years of revolutionary shocks, and scarce as yet re-established on its ancient foundations, would certainly present a spectacle worthy of the most serious reflections and a very real danger." The United States should be invited to co-operate with the Allies, partly to gain time, partly "in order to attach the United States to the general system of Europe and to prevent a spirit of rivalry and hatred establishing itself between the Old and the New World."

In a memorandum on the French and Russian notes Wellington pointed out that it was extremely doubtful whether Spain would accept the mediation of the five Powers in this form either, and that without such acceptance it was useless to approach the United States. After all, he argued, the questions at issue between Spain and her colonies were of the nature of domestic politics. The United States were doubtless, like the rest of the world, interested in the settlement of these questions, and their Government had a right to demand that nothing should be done that might be specially obnoxious

to them. But, even were Spain to agree, he very much doubted whether the United States would bring to the discussion the same desire to agree and the same views as to the preservation of the ancient monarchy of Spain as animated the other Powers. In conclusion, he objected altogether to the proposed conferences at Madrid, and gave it as his opinion that no settlement was possible which did not take into account the wishes of the colonies as well as those of Spain.

The matter was finally settled in an interview between Alexander and Castlereagh. Castlereagh was entirely opposed to the use of force. The Alliance, he said, was not competent to *arbitrate* or *judge*, and was therefore not competent to enforce any such judgment directly or indirectly; it could only mediate or facilitate, but not compel or menace. As for the commercial boycott (to use a word of later date), which had been suggested, Great Britain could be no party to it. We had had a large direct trade with France during the war, and had suffered her armies to be clothed by our manufactures; how could we interdict commerce with South America in time of peace? Since Russia could not fight either by arms or by an interdict on trade, it would be better to tell Spain so at once than to buoy her up by false hopes in the maintenance of a false attitude. There was, besides, the *moral responsibility* involved in forcing the colonies to submit to such a Government as that of Spain.

It was the last argument, wrote Castlereagh, which made Alexander's mind "shrink from the subject." He expressed his regret that he had not taken the British minister's advice before the matter had been carried so far. As it was, he at once conferred with his ministers, with the result that at the next conference their tone was so altered that Richelieu withdrew his project. Thus ended the question so far as the Conference of Aix-la-Chapelle was concerned.[54]

Monroe on the conference

In his annual message to Congress of November 16, 1818, President Monroe used the following language:

By a circular note addressed by the ministers of Spain to the allied powers, with whom they are respectively accredited, it appears that the allies have undertaken to mediate between Spain and the South American Provinces, and that the manner and extent of their interposition would be settled by a congress which was to have met at Aix-la-Chapelle in September last. From the general policy and course of proceeding observed by the allied powers in regard to this contest it is inferred that they will confine their interposition to the expression of their sentiments, abstaining from the application of force. I state this impression that force will not be applied with the greater satisfaction because it is a course more consistent with justice and likewise authorizes a hope that the calamities of the war will be confined to the parties only, and will be of shorter duration.

From the view taken of this subject, founded on all the information that we have been able to obtain, there is good cause to be satisfied with the course heretofore pursued by the United States in regard to this contest, and to conclude that it is proper to adhere to it, especially in the present state of affairs.[55]

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[54] Phillips, *The Confederation of Europe*, pp. 254–258.

[55] Richardson's *Messages and Papers of the Presidents*, vol. II, p. 44.

Gallatin's report on the conference

On August 10, 1818, prior to the meeting of the conference, Gallatin, writing from Paris to John Quincy Adams, Secretary of State, made the following report of a conversation he had with the Duc de Richelieu:

. . . On the subject of the proposed mediation between Spain and her colonies, the Duke de Richelieu said that nothing positive was done, and that, in his opinion, nothing efficient could be done without us; he wished, therefore, to know what were our views in that respect. I answered that, nothing having been communicated to our government by any of the powers concerned in the mediation, no official communication could be expected from us; that whenever the allied powers, or any of them, should think proper to state their views on that subject, the overture would be met with a corresponding frankness; and that it appeared desirable in every respect that such free and mutual communications should take place. In the mean while, it was due to candor to say that, so far as I was able to judge, no expectation could be entertained that the United States would become parties in the proposed mediation, much less that they would accede to any measures having for object the restoration of the supremacy of Spain over the colonies which had thrown off her yoke. I added that it was understood that the allied powers did not intend to use force in order to compel the parties to accept their mediation, and that it appeared to me alike impracticable to obtain the consent of Spain to such liberal basis as it was intended to propose, and to persuade the inhabitants of the colonies to trust her and place themselves at her mercy. The Duke dwelt on the want of union among the insurgents, on their factions and weakness, on their unfitness for liberty, and on their incapacity of forming any permanent government whatever; he then suggested that if some prince of the Spanish family (the son of the ci-devant Queen of Etruria was mentioned) was sent over to America as an independent monarch, it might reconcile the inhabitants and be consistent with our views. I answered that on that last point my government alone could decide; that with the form of government which suited the colonies, or which any of them might select, we had nothing to do; that it was only to the preservation of their independence that I had alluded; and that it appeared to me doubtful whether a Spanish prince would be considered as securing that. As to the capacity of the colonists to form a government sufficient to carry on their business and to entertain foreign relations, I expressed my astonishment that any doubt could exist on that point, and mentioned San Domingo as a proof that even slaves could establish governments of their own, totally independent, at least of their masters. If there was any chance that Spanish America could be kept much longer under the dominion of Spain, why did she not do at once, where she was still in possession, that which was to be offered by the mediators to the insurgent colonies? No mediation was required for that; and nothing prevented her from opening the commerce of Cuba, Mexico, and Peru, from introducing in these, the three most productive and important of her colonies, all the improved administration, all the liberal laws and institutions, which were held out as the basis of the mediation. To these last observations the Duke of Richelieu seemed to assent and to blame Spain for not pursuing a wiser course. But, after all, they cannot yet here reconcile themselves to the general and unavoidable emancipation of America. I had, at the request of the Russian minister, an interview with him yesterday, which

embraced the same topics and had nearly the same aspect. This is not astonishing, considering the intimacy which exists between Russia and France, and more particularly between this Cabinet and Pozzo. (Of this I cannot give a better proof than by stating that he had read the whole of the correspondence of Mr. Hyde de Neuville with this government. It is, by the by, friendly to us, and has made a favorable impression here.) Still, there were some differences and additions. Pozzo still insists that our negotiation has been renewed at Madrid. He said that there were difficulties in our obtaining Florida, but did not explain whether they came from Spain, England, or his own Court. He considered the plan of sending a Spanish prince to America as chimerical; complained bitterly of the folly of Spain, and appeared to me to have almost abandoned the hope that a mediation would be agreed on.[55]

On November 5, 1818, Gallatin again wrote to Secretary Adams. The following are excerpts from this communication:

With the previous views and feelings of this government I was well acquainted, but their conduct, and indeed that of Spain, in the case to which you allude, may be materially affected by the result of the congress of Aix-la-Chapelle on the subject of the Spanish colonies. To that point my inquiries have been principally directed; and, although the absence of the Duke de Richelieu and of the Russian minister at this Court has deprived me of my most direct and best means of information, I have reason to believe that the following statement is nearly correct.

Austria and Prussia dislike any mediation or any direct interference. Russia and France press that or any other measure which, without committing them too far, may be favorable to the views of Spain. England is averse to a joint mediation, but does not wish to appear to be the cause of its not being offered. The consequence of their different views is that nothing has as yet been done; and it is generally believed even by Mr. Hauterive, who has the Department of Foreign Affairs during the absence of the Duke of Richelieu, that no formal offer of mediation will be made. But some vote expressive of the wishes of the allied powers may be entered on the protocol, which will be communicated to Spain, and perhaps be published.

. . . Notwithstanding those recollections which connect our Revolution with that of France, and although our republican institutions excite apprehension, we are certainly considered, even by those who detest them most, as a regular and, to use their fashionable designation, as a legitimate government. But our public recognition of the independence of an insurgent colony will shock all their feelings and prejudices.

I thought that the best mode to ward off any effect from that cause, unfavorable to our interest, was to prepare them for the event, and to anticipate that which, from the former proceedings of Congress, appeared probable. I had upon every occasion stated that the general opinion of the people of the United States must irresistibly lead to such a recognition; that it was a question not of interest but of feeling; and that this arose much less from the wish of seeing new republics established than that of the emancipation of Spanish America from Europe. That emancipation was ultimately unavoidable, the charm that had kept that country so long in subjection being now broken, and those colonies being with respect to territory and population out of all proportion with Spain. We had not either directly or indirectly excited the insurrection. It had been the spontaneous act of the inhabitants, and the natural

[55] *The Writings of Albert Gallatin*, vol. II, pp. 72–74.

effect of causes which neither the United States nor Europe could have controlled. We had lent no assistance to either party; we had preserved and intended to preserve a strict neutrality. But no European government could be surprised or displeased that in such a cause our wishes should be in favor of the success of the colonies, or that we should treat as independent powers those amongst them which had in fact established their independence. These sentiments I had expressed in England and in France to the ministers of those and of the other European powers with whom the opportunity offered to discuss the subject; amongst others I had a long conversation with Lord Castlereagh, and since my return here I have repeated them to Mr. Hauterive, with a request that he would communicate them, as my decided opinion, to the Duke de Richelieu at Aix-la-Chapelle. . . .

. . Without alluding to the feelings of France, he [Mr. Hauterive] expatiated on our happy situation, on our future destinies, and on the want of sufficient motive for putting by a hasty step our certain prospects to any hazard. For if we intended, as I said, to preserve our neutrality, he could not perceive of what utility our nominal recognition could be to the colonies. He considered it also of great importance that the United States should to a certain extent be connected with the European system of politics. Their point of contact was the sea, and there they had been eminently useful to the general cause of social order and of civilization, by maintaining alone and preserving the maritime rights at the time they were crushed or abandoned everywhere else. He would see us with great regret raising in some degree the standard of America against Europe, and thereby enabling our only rival to excite a general jealousy against us. As to the proposed mediation, he said that he disliked it, since it would be unjust and impracticable to support it, as he termed it, by a crusade, and as the proffer of it as a purely friendly office had to him the appearance of an informal recognition of the colonies as independent powers. Yet, if something was not done in common, the whole subject would fall exclusively in the hands of Great Britain. But what else could, in his opinion, be done, unless it was to give some joint wholesome advice to the King of Spain, I could not understand.

I assured him that although the United States never could have joined in any plan having for its basis the return of the colonies to the supremacy of Spain, yet they would have been desirous of knowing with precision the views of the European powers and of communicating their own, in order that their respective measures might have diverged as little as comported with those views. But although it should have been evident that without the consent of the United States nothing efficient or durable could be done in America, they never had been consulted, nor till very lately, and that by England alone, any communication made to them of what was intended or wished on that subject by any of the European powers. Yet more than one year ago, and without having had time to receive instructions from my government, seeing a growing tendency here and in Russia to interfere between Spain and her colonies, I had conversed freely and with perfect candor both with the minister of Russia and with the Duke de Richelieu, deprecating the intended interference, and earnestly inviting a friendly communication of the views of both governments to my own. Nothing of the kind had been done; the course of events had not in the meanwhile been arrested; these had been favorable to the cause of the colonies; and Spain had done nothing tending to retard the decision of the United States. She had neither applied to Mexico or Peru, where she still had the power to do it without any mediation, those liberal measures calculated, as it was presumed in Europe, to reconcile the colonies to her government, nor taken any efficient

steps to arrange her differences with ourselves to our satisfaction. Since there was no motive for the United States to act contrary to what was known everywhere to be the public national opinion, its decision must have been naturally expected. Still, it was extremely desirable that measures should not be adopted by the European powers which should be diametrically opposed to those which might be pursued by my government; and it was for that purpose that, anticipating, though without positive and official information, what these might be, I made this free, though unofficial, communication to him, in order that the sovereigns at Aix-la-Chapelle should not at least come to a final determination without knowing everything which might have some influence over it.[57]

Conference at Troppau

The years 1819 and 1820, particularly after and following the treaty of Frankfort of June 20, 1819, were such as to give cause for apprehension to all European monarchs including Alexander. There were signs of revolutionary unrest in almost every country in Europe; nevertheless, Alexander held to the plan and to the ideals lying behind the Holy Alliance. But events were soon to happen which changed the entire course of his thought. His emissaries were scattered through Europe preaching democracy to its various peoples in accordance with the various conditions which they found. Sir Robert Gordon writing on April 22, 1819, from Rome stated that "Prince Metternich discovers the existence of Russian agency and intervention in every quarter and every passing event in Europe."[58]

In July 1820, there was a military revolt in Naples which compelled the King of the Two Sicilies to accept the Spanish Constitution of 1812. This act greatly alarmed Austria because by the terms of a secret article in the agreement of June 12, 1815, between Austria and Naples "King Ferdinand IV had bound himself not to allow any changes in the political system of his dominions inconsistent with the ancient monarchical institutions or with the principles adopted by His Austrian Majesty for the internal administration of his Italian provinces."[59]

On October 29, 1820, a conference opened at Troppau. On the afternoon of October 24 Metternich had a conversation with Alexander in which Alexander is reported to have stated that in everything he had done from 1814 to 1818 he had been grievously mistaken, to which statement he added:

So we are at one, Prince, and it is to you that we owe it. You have correctly judged the state of affairs. I deplore the waste of time, which we must try to repair. I am here without any fixed ideas; without any plan; but I bring you a firm and unalterable resolution. It is for your Emperor to use it as he

[57] *Writings of Gallatin*, vol. II, pp. 75–79. *See also* Gallatin's letter to Adams of November 21, 1818, *ibid.*, p. 87; same to same, December 10, 1818, *ibid.*, p. 90.
[58] Phillips, *The Confederation of Europe*, p. 198.
[59] *Ibid.*, p. 210.

wills. Tell me what you desire, and what you wish me to do and I will do it.[60]

Four days after this, news reached Alexander that the Russian regiment of which he, as Tsarevitch had been colonel in chief, had mutinied in St. Petersburg. Efforts to persuade Alexander that the mutiny was merely one directed against the intolerable tyranny of the Prussian who commanded them were without effect. Alexander insisted that this was part of the conspiracy of the Carbonari. Phillips thus describes the reactions of Alexander over this incident:

. . . In the person of Napoleon he had thought to overthrow the Beast; and behold! it was not incarnate in one man, but a "many-headed monster thing" of which, in his blindness, he had himself encouraged the growth. At least his eyes were opened, by the Providence of God, before it was too late, and his duty was clear. To the servants of the Evil One no mercy must be shown; he set aside as too lenient the sentences passed by the court-martial on the ringleaders of the mutiny—two corporals and five poor privates—and ordered that they should receive six thousand strokes apiece. Thus in Holy Russia at least the Lord's will could be done. As for Europe at large, to Alexander God's will was now equally clear. He searched the Scriptures, and found in the most unlikely places—in the stories of Nebuchadnezzar and of Judith and Holofernes, and in the Epistles of St. Paul—Divine lessons applicable to the perils of the hour. To the principle of Evil, bastard brood of Voltairean philosophy falsely so called, must be opposed to the principle of Faith, which found its supreme expression in that revelation of the Most High—the Holy Alliance. Stripped of its verbiage, this meant that in Alexander's view the Alliance was henceforth to be used as a force purely conservative, if not reactionary.[61]

Preliminary protocol of Troppau

Metternich was not slow to take advantage of the changed temper of Alexander, and the famous preliminary protocol of Troppau was framed. Britain, pleading that her constitutional forms would not permit, did not become a party. This protocol read:

States which have undergone a change of Government due to revolution, the results of which threaten other states, *ipso facto* cease to be members of the European Alliance, and remain excluded from it until their situation gives guarantees for legal order and stability. If, owing to such alterations, immediate danger threatens other states, the Powers bind themselves, by peaceful means, or if need be by arms, to bring back the guilty state into the bosom of the Great Alliance.[62]

British attitude

British opposition to this was so great that the signatures thereto were subsequently withdrawn. Castlereagh in a communication to Lord Stewart under date of December 16, 1820, criticized this pro-

[60] *Ibid.*, p. 219.
[61] *Ibid.*, pp. 220–221.
[62] *Ibid.*, p. 222.

posal in a manner which set forth very clearly the attitude of Great Britain. This despatch of Castlereagh's has been glossed and quoted by Phillips as follows:

Of what, asks Castlereagh, is the Protocol a draft? of a reasoned basis for the interference in Naples? or of a general treaty to which the adherence of the other Courts is to be invited? In the latter case the question assumed a character such as must necessarily awaken the attention of all European states with regard to its principles as well as its provisions. It raised questions both as to the position of the contracting Powers towards each other and as to their relation to the independent states which were not parties to the obligations of the Alliance. It was impossible not to be alarmed by the wide and sweeping powers claimed for the Allies by the Protocol—powers which he denied to have any basis in existing treaties. The treaty of November 1815 only stipulated that, in the event of a revolutionary convulsion in France, the Powers were "to deliberate together" with a view to concerting measures to secure their common safety; but the fifth article of the Protocol proceeds at once to recognize their authority to place armies of occupation in such of those states as the Alliance may deem to require such a precaution. If this could not be based upon existing treaties, was it proposed to invite all other states to accede to this league, and thus by their voluntary consent to submit themselves in such cases to the jurisdiction of the Alliance? Could it be supposed that all the states of Europe would choose to accede to such a system, and if not, what was to be the position of the states that did not accede? After pointing out the disastrous effect of this system on the relations between the sovereigns and their peoples, Castlereagh goes on to consider its effect on the relations of the Powers of the Alliance to each other. The rights claimed under the Protocol, he said, were presumably to be "reciprocal between the parties." Were, then, the great Powers of Europe prepared to admit the principle of their territories being thrown open to each other's approach upon cases of assumed necessity or expediency of which not the party receiving aid, but the party administering it, was to be the judge? As for Great Britain, any minister who should recommend the King to sanction such a principle would render himself liable to impeachment, and the British Government not only dissented from it, but protested against any attempt to consider it, under any conceivable circumstances, as applicable to any of the British dominions.

"It is proposed to create a confederacy for the exercise of a right which, though undoubtedly appertaining, upon the principle of self-defence, in extreme cases, to each particular state, has never yet, as a general measure, been made the subject of a diplomatic regulation or conjoint exercise." It was proposed, he said, to assume on the part of the Alliance a sovereign power over the other states of Europe, on the analogy of the German Confederation. But in the German Confederation the power was exercised, not by its most powerful members, but by the Confederation itself, represented in its Diet. In the present case there was no such regulation, and sooner or later, therefore, the claims of the Alliance would provoke counter-alliances, thus defeating the very objects for which they were advanced. "There are extreme rights to which nations as well as individuals must have recourse for their preservation, and for the exercise of which no legislature can provide. The extreme right of interference between nation and nation can never be made a matter of written stipulation or be assumed as the attribute of any alliance." To promulgate a new code in connexion with the measures which certain Powers had thought it necessary to take in the case of Naples would only "open an unbounded field

for agitation and controversy." In refusing assent to the Protocol, Lord Stewart was to be careful to point out that this did not depend on "the form or phrases of these particular instructions" and was "not susceptible of being removed by any partial modification of their stipulations." The British Government objected to the fundamental principle on which the Protocol rested, namely, that of rendering the powers, either of the existing or of any other alliance, applicable, under any circumstances, to the internal transactions of independent states. For this appeared to lead immediately to the creation of a species of general government in Europe, with a superintending Directory, destructive of all correct notions of internal sovereign authority; and Great Britain could not consent to charge herself, as a member of the Alliance, with the moral responsibility of administering a general European police of this description.[63]

Adjourned Conference at Laibach

When this despatch was read to the conference which had adjourned to Laibach it seemed to have caused consternation among the ministers assembled.

The result was a declaration which modified the protocol at Troppau and which Lord Stewart thought was not objectionable from the British point of view. Russia, Austria and Prussia issued circular despatches and instructions to their ministers in Naples in which they referred to the Troppau protocol in such terms as would apparently have been displeasing to Great Britain and France. Stewart reported to his Government:

> In short, there can be little doubt from the complexion of these instruments that a Triple Understanding has been created which binds the parties to carry forward their own views in spite of any difference of opinion which may exist between them and the two great constitutional Governments [Great Britain and France].[64]

British attitude

As to the attitude of Great Britain towards Spain and the revolted colonies at this period (1821–22) Phillips states:

> The attitude of Great Britain in the question of Spain and her colonies was complicated by the various, and to all appearance contradictory, influences by which it was determined. On the one hand, she was firm in the maintenance of her traditional policy of maintaining the strength and independence of the Spanish monarchy, more especially against the pretensions of France; and the ancient friendship between the two countries, founded on this basis, had been cemented by their alliance during the recent Peninsular War. On the other hand, the Court of Spain, magnificently contemptuous of the law of supply and demand, saw little friendliness in the fact that British traders had taken advantage of its weakness to open a lively "contraband" trade with the revolted colonies, and less in the refusal of the British Government to recognize its right to interrupt this trade. Moreover, in spite of the Treaty of Neutrality, as between Spain and the colonies, signed by Great Britain, recruiting was

[63] Phillips, *The Confederation of Europe*, pp. 225–227.
[64] *Ibid.*, p. 232.

actively carried on in England by the agents of the Latin American rebel Governments, and British adventurers had taken a conspicuous, and sometimes a leading, part in the overthrow of the royal authority in America.[65]

By September 27, 1822, Canning, writing to Wellington, pointed out, as quoted by Phillips, that it "might be found expedient 'tacitly to admit, or more or less formally to recognize, the *de facto* States of the South American Continent.' 'Indeed,' he added, 'it would not be fair to withhold the expression of our opinion that, before Parliament meets, the course of events, the interests of commerce, and the state of navigation in the American seas will have obliged us to come to some understanding more or less distinct, with some of those self-erected Governments.'" [66]

Conference at Verona

The conference which met at Verona in October was the last of the conferences held pursuant to the treaty of November 20, 1815, in which the powers had renewed their alliance created by the treaty of Chaumont and Article 6 of which had provided for further conferences.

Alexander's attitude

It was at this conference that Alexander, now seemingly weaned from his devotion to the democratic altruism which lay behind the Holy Alliance, renewed the offer which he had made to Metternich on September 29, 1818, at Aix-la-Chapelle when he stated, "My army, as well as myself, is at the disposal of Europe." He now proposed to march 150,000 men through Germany into Piedmont from which position they would be equally available for use either in Spain or against France.[67]

Against this suggestion representatives of France, Great Britain and Austria took a firm stand. The discussions in the conference proceeded with difficulty and some bitterness as to the course which should be followed with reference to Spain. Wellington finally withdrew from the conference having stated that Great Britain could not be a party to any general declaration against Spain nor to any hostile interference in her internal affairs, nor to any defensive alliance between the powers.[68]

Of the result of the conference Canning wrote to Bagot on January 3, 1823:

> The issue of Verona has split the one and indivisible Alliance into three parts as distinct as the Constitutions of England, France, and Muscovy. . . . Villèle is a minister of thirty years ago—no revolutionary scoundrel: but con-

[65] Phillips, *The Confederation of Europe*, p. 260.
[66] *Ibid.*, p. 262.
[67] *Ibid.*, p. 270.
[68] *Ibid.*, p. 274.

stitutionally hating England, as Choiseul and Vergennes used to hate us—and so things are getting back to a wholesome state again. Every nation for itself and God for us all.[69]

French Occupation of Spain

The measures adopted by the four powers, Russia, Prussia, Austria, and France, as the result of the conference at Verona to adjust the difficulties in Spain, having failed—the plan involved the making of simultaneous representations by these powers—a French army of 95,000 men under the Duc d'Angoulême, crossed Bidassoa on April 7, 1823, and Ferdinand VII was put upon the throne. When war was announced Canning intimated at Paris that Great Britain would not under any circumstances tolerate the subjection of the Spanish colonies by foreign force and since Great Britain commanded the seas the reconquest of Spanish colonies without her consent was not to be thought of.[70]

This was the European situation which had developed up to the mid-year of 1823; on December 2 following, President Monroe made his declaration.

The Correspondence between the United States and Russia, 1820–1823

On May 20, 1819, Secretary Adams, writing to Secretary Thompson of the Navy, gave his understanding of the negotiations at the conference of Aix-la-Chapelle (1818) in the following language:

. . . It is now well ascertained that before the Congress of the great European Powers at Aix La Chapelle, their mediation had been solicited by Spain, and agreed to be given by them for the purpose of restoring the Spanish Dominion throughout South America, under certain conditions of Commercial privileges to be guaranteed to the Inhabitants. The Government of the United States had been informed of this project before the meeting at Aix La Chapelle, and that it had been proposed by some of the allied powers that the United States should be invited to join them in this mediation. When this information was received, the ministers of the United States to France, England, and Russia, were immediately instructed to make known to those respective Governments that the United States, would take no part in any plan of mediation or interference, in the contest between Spain and South America, which should be founded on any other basis than that of the total Independence of the Colonies. This declaration was communicated before the meeting to Lord Castlereagh and to the Duke de Richelieu, at the Congress. It occasioned some dissatisfaction to the principal allies, particularly France & Russia, as it undoubtedly disconcerted their proposed mediation. Great Britain, concurring with them in the plan of restoring the Spanish authority, but aware that it could not be carried into effect, without the concurrence of the United States, declared it an indispensable condition, of her participation in the mediation, that there should be

[69] *Ibid.*, p. 280.
[70] *Ibid.*, p. 283.

no resort to Force against the South Americans, whatever the result of the mediation might be. To this condition, France and Russia, after some hesitation, assented; but they proposed, that if the South Americans should reject the terms of accommodation to be offered them, with the sanction of the mediating Powers, they should prohibit all commercial intercourse of their subjects respectively with them. To this condition Great Britain declined giving her assent; her motive for which is sufficiently obvious, when it is considered that after the declaration of the United States, the practical operation of such a non-intercourse between the allies and the South Americans, would have been to transfer to the United States, the whole of the valuable commerce carried on with them by the merchants of Great Britain. As a last expedient it was proposed that the Duke of Wellington, should be sent to Madrid, with the joint powers of all the allied Sovereigns, to arrange with the Spanish Cabinet, the terms to be offered to the South Americans, which was again defeated by the Dukes insisting that if he should go, a previous entry should be made upon the protocol at Aix La Chapelle, that no force against the South Americans, was in any result of his Embassy, to be used. But Spain had always connected with the project of the mediation a demand that the allies should ultimately guarantee the restoration of her authority; and finding that this was not to be obtained, she declined accepting the interposition upon any other terms.

But while the Government of the United States have thus taken every occasion offered them in the course of events, to manifest their good wishes in favor of the South Americans, they have never lost sight of the obligations incumbent on them, as avowedly *neutral* to the contest between them and Spain.[71]

A little more than a year later, that is on July 5, 1820, Secretary Adams in an instruction to Mr. Middleton, our Minister to Russia, commented at some length upon the differences of European politics with reference to a league of peace. In the course of this instruction he affirmed that the political system of the United States "is also essentially extra-European" and "that for the repose of Europe as well as of America, the European and American political system should be kept as separate and distinct from each other as possible." This instruction is worth quoting at length since in a measure it gives the background which led Secretary Adams to the conclusions which he thus expressed to Mr. Middleton.

The present political system of Europe is founded upon the overthrow of that which had grown out of the French Revolution; and has assumed its shape from the body of Treaties, concluded at Vienna in 1814 and 15, at Paris towards the close of the same year 1815, and at Aix-La-Chapelle in the Autumn of 1818. Its general character is that of a compact between the five principal European Powers, Austria, France, Great Britain, Prussia, and Russia for the preservation of universal Peace. These Powers having then just emerged victorious from a long, portentous and sanguinary struggle against the oppressive predominancy of one of them, under Revolutionary sway, appear to have bent all their faculties, to the substitution of a system which should preserve them from that evil; the preponderancy of one Power by the subjugation, virtual if not nominal of the rest. Whether they perceived in its full extent, considered in its true colours, or provided by judicious arrangements for

[71] MS., Domestic Letters, vol. XVII, pp. 307–308.

the Revolutionary temper of the weapons by which they had so long been assailed and from which they had so severely suffered, is a question now in a course of solution. Their great anxiety appears to have been to guard themselves each against the other.

The league of Peace, so far as it was a covenant of organized Governments, has proved effectual to its purposes by an experience of five years—its only interruption has been in this hemisphere, though between Nations strictly European; by the invasion of the Portuguese on the territory claimed by Spain, but already lost to her, on the Eastern shore of the Rio de la Plata. This aggression too the European Alliance have undertaken to control; and in connection with it they have formed projects hitherto abortive of interposing in the revolutionary struggle between Spain and her South American colonies.

As a compact between Governments it is not improbable that the European Alliance will last as long as some of the States who are parties to it. The warlike Passions and propensities of the present age find their principal ailment, not in the enmities between nation and nation, but in the internal dissensions between the component parts of all. The war is between nations and their rulers.

The Emperor Alexander, may be considered as the principal patron and founder of the league of Peace. His interest is the most unequivocal in support of it. His Empire is the only party to the compact free from that internal fermentation which threatens the existence of all the rest. His territories are the most extensive, his military establishment the most stupendous, his country the most improvable and thriving of them all. He is therefore naturally the most obnoxious to the jealousy and fears of his Associates, and his circumstances point his policy, to a faithful adhesion to the general system, with a strong reprobation of those who would resort to special and partial alliances, from which any one member of the league should be excluded. This general tendency of his Policy, is corroborated by the mild and religious turn of his individual character. He finds a happy coincidence between the dictates of his conscience and the interest of his Empire—and as from the very circumstance of his preponderancy, partial alliances might be most easily contracted by him, from the natural resort of the weak for succour to the strong; by discountenancing all such partial combinations, he has the appearance of discarding advantages entirely within his command, and reaps the glory of disinterestedness, while most efficaciously providing for his own security.

Such is accordingly the constant indication of the Russian policy, since the Peace of Paris in 1815. The neighbours of Russia which have the most to dread from her overshadowing and encroaching power, are Persia, Turkey, Austria and Prussia, the two latter of which are members of the European and even of the Holy Alliance, while the two former are not only extra-European in their general policy, but of Religions, which excluded them from ever becoming parties, if not from ever deriving benefit from that singular compact.

The political system of the United States is also essentially Extra-European. To stand in firm and cautious independence of all entanglement in the European system, has been a cardinal point of their policy under every administration of their Government from the Peace of 1783 to this day. If at the original adoption of their system there could have been any doubt of its justice or its wisdom, there can be none at this time. Every year's experience rivets it more deeply in the principles and opinions of the Nation. Yet in proportion as the importance of the United States as one of the members of the general Society of civilized Nations increases in the eyes of the others, the difficulties

of maintaining this system, and the temptations to depart from it increase and multiply with it. The Russian Government has not only manifested an inclination that the United States should concur in the general principles of the European league, but a direct though inofficial application has been made by the present Russian Minister here, that the United States should become formal parties to the Holy Alliance. It has been suggested as inducement to obtain their compliance, that this compact bound the parties to no specific engagement of any thing—That it was a pledge of mere principles—That its real as well as its professed purpose was merely the general preservation of Peace—and it was intimated that if any question should arise between the United States and other Governments of Europe, the Emperor Alexander desirous of using his influence in their favour, would have a substantial motive and justification for interposing, if he could regard them as his Allies, which as parties to the holy alliance he would.

It is possible that overtures of a similar character may be made to you; but whether they should be or not it is proper to apprize you of the light in which they have been viewed by the President. No direct refusal has been signified to Mr. Poletica. It is presumed that none will be necessary. His instructions are not to make the proposal in form unless with a prospect that it will be successful. It might perhaps be sufficient to answer that the organization of our Government is such as not to admit of our acceding formally to that compact. But it may be added that the President approving its general principles, and thoroughly convinced of the benevolent and virtuous motives which led to the conception and presided at the formation of this system by the Emperor Alexander, believes that the United States will more effectually contribute to the great and sublime objects for which it was concluded, by abstaining from a formal participation in it, than they could as stipulated members of it. As a general declaration of principles, disclaiming the impulses of vulgar ambition and unprincipled aggrandizement and openly proclaiming the peculiarly christian maxims of mutual benevolence and brotherly love to be binding upon the intercourse between Nations no less than upon that of individuals, the United States not only give their hearty assent to the Articles of the holy alliance, but will be among the most earnest and conscientious in observing them. But independent of the prejudices which have been excited against this instrument in the public opinion, which time and an experience of its good effects will gradually wear away, it may be observed that for the repose of Europe as well as of America, the European and American political systems, should be kept as separate and distinct from each other as possible. If the United States, as members of the Holy Alliance could acquire a right to ask the influence of its most powerful member in their controversies with other States; the other members must be entitled in return to ask the influence of the United States, for themselves or against their opponents. In the deliberations of the league they would be entitled to a voice, and in exercising their right must occasionally appeal to principles, which might not harmonize with those of any European member of the Bond. This consideration alone would be decisive for declining a participation in that league, which is the President's absolute and irrevocable determination, although he trusts that no occasion will present itself rendering it necessary to make that determination known by an explicit refusal.[72]

On September 4, 1821, the Emperor Alexander issued an imperial ukase which in its pertinent part reads as follows:

[72] MS., Instructions to United States Ministers, vol. IX, pp. 19–21.

Observing from Reports submitted to us, that the trade of our subjects on the Aleutian Islands and on the north-west coast of America, appertaining unto Russia, is subject, because of secret and illicit traffic, to oppression and impediments; and finding that the principal cause of these difficulties is the want of rules establishing the boundaries for navigation along these coasts, and the order of naval communication, as well in these places as on the whole of the eastern coast of Siberia and the Kurile Islands, we have deemed it necessary to determine these communications by specific Regulations, which are hereto attached.[73]

The rules attached to this ukase provided:

1. The pursuits of commerce, whaling, and fishery, and of all other industry on all islands, posts, and gulfs, including the whole of the north-west coast of America, beginning from Behring Straits to the 51° of northern latitude, . . . is exclusively granted to Russian subjects.

2. It is therefore prohibited to all foreign vessels not only to land on the coasts and islands belonging to Russia as stated above, but also, to approach them within less than 00 Italian miles. The transgressor's vessel is subject to confiscation along with the whole cargo.[73]

On February 25, 1822, Secretary Adams, writing to Chevalier de Poletica regarding this ukase, said:

I am directed by the President of the United States to inform you that he has seen with surprise, in this edict, the assertion of a territorial claim on the part of Russia, extending to the fifty-first degree of north latitude on this continent, and a regulation interdicting to all commercial vessels other than Russian, upon the penalty of seizure and confiscation, the approach upon the high seas within 100 Italian miles of the shores to which that claim is made to apply. The relations of the United States with His Imperial Majesty have always been of the most friendly character; and it is the earnest desire of this Government to preserve them in that state. It was expected, before any act which should define the boundary between the territories of the United States and Russia on this continent, that the same would have been arranged by treaty between the parties. To exclude the vessels of our citizens from the shore, beyond the ordinary distance to which the territorial jurisdiction extends, has excited still greater surprise.

This ordinance affects so deeply the rights of the United States and of their citizens that I am instructed to inquire whether you are authorized to give explanations of the grounds of right, upon principles generally recognized by the laws and usages of nations, which can warrant the claims and regulations contained in it.[74]

The British Government had already, under date of January 18, 1822, made a protest against the ukase of September 4, 1821, through a communication from the Marquis of Londonderry to Count Lieven, the representative of Russia, in which the following language was used:

The Undersigned is directed, till such friendly explanations can take place between the two Governments as may obviate misunderstanding upon so deli-

[73] *Alaskan Boundary Tribunal: Appendix to the Case of the United States*, vol. II, p. 25.

[74] *Ibid.*, p. 32.

cate and important a point, to make such provisional protest against the enactments of the Ukase as may fully serve to save the rights of His Majesty's Crown, and may protect the persons and properties of His Majesty's subjects from molestation in the exercise of their lawful callings in that quarter of the globe.

The Undersigned is commanded to acquaint Count Lieven that it being the King's constant desire to respect, and cause to be respected by his subjects in the fullest manner, the Emperor of Russia's just rights, His Majesty will be ready to enter into amicable explanations upon the interests affected by this instrument, in such manner as may be most acceptable to His Imperial Majesty.

In the meantime, upon the subject of this Ukase generally, and especially upon the two main principles of claim laid down therein, viz., an exclusive sovereignty alleged to belong to Russia over the territories therein described, as also the exclusive right of navigating and trading within the maritime limits therein set forth, his Britannic Majesty must be understood as hereby reserving all his rights, not being prepared to admit that the intercourse which is allowed on the face of this instrument to have hitherto subsisted on those coasts, and in those seas, can be deemed to be illicit, or that the ships of friendly Powers, even supposing an unqualified sovereignty was proved to appertain to the Imperial Crown in these vast and very imperfectly occupied territories, could, by the acknowledged law of nations, be excluded from navigating within the distance of 100 Italian miles as therein laid down from the coast, the exclusive dominion of which is assumed (but, as His Majesty's Government conceive, in error) to belong to His Imperial Majesty the Emperor of All the Russias.[75]

On August 8, 1822, Mr. Middleton, reporting to Secretary Adams, stated:

For some time past I began to perceive that the provisions of the ukase would not be persisted in. It appears to have been signed by the Emperor without sufficient examination, and may be fairly considered as having been surreptitiously obtained. There can be little doubt, therefore, that with a little patience and management it will be molded into a less objectionable shape.[76]

On April 12, 1823, Baron Tuyll wrote to Secretary Adams suggesting that the differences between the two Governments regarding the northwestern coast of the United States should be "terminated by means of friendly negotiation," and added that Russia had already persuaded the British Government to adopt this course.

On May 7 Secretary Adams acknowledged the communication from Baron Tuyll and observed:

Penetrated with these sentiments, and anxiously seeking to promote their perpetuation, the President readily accedes to the proposal that the minister of the United States at the court of His Imperial Majesty should be furnished with powers for negotiating, upon principles adapted to those sentiments, the adjustment of the interests and rights which have been brought into collision

[75] *Alaskan Boundary Tribunal: Appendix to the Case of the United States*, vol. II, p. 105.

[76] *Ibid.*, p. 42.

upon the northwest coast of America, and which have heretofore formed a subject of correspondence between the two Governments, as well at Washington, as at St. Petersburg.[77]

On July 17, Secretary Adams made the following notation in his diary:

At the office, Baron Tuyll came, and enquired if he might inform his Government that instructions would be forwarded by Mr. Hughes to Mr. Middleton for negotiating on the Northwest Coast question. I said he might. He then manifested a desire to know as much as I was disposed to tell him as to the purport of those instructions. I told him as much as I thought prudent, as he observed that it was personally somewhat important to him to be so far confided in here as to know the general purport of what we intended to propose. I told him specially that we should contest the right of Russia to any territorial establishment on this continent, and that we should assume distinctly the principle that the American continents are no longer subjects for any new European colonial establishments.[78]

On July 22, 1823, Secretary Adams sent an instruction to Mr. Middleton in which the following language is used:

From the tenor of the ukase, the pretensions of the Imperial Government extend to an exclusive territorial jurisdiction from the forty-fifth degree of north latitude on the Asiatic coast to the latitude of fifty-one north on the western coast of the American continent; and they assume the right of interdicting the *navigation* and the fishery of all other nations to the extent of one hundred miles from the whole of that coast.

The United States can admit no part of these claims. Their right of navigation and of fishing is perfect, and has been in constant exercise from the earliest times, after the peace of 1783, throughout the whole extent of the Southern Ocean, subject only to the ordinary exceptions and exclusions of the territorial jurisdictions, which, so far as Russian rights are concerned, are confined to certain *islands* north of the fifty-fifth degree of latitude, and have no existence on the continent of America.

. . . . .

It does not appear that there ever has been a permanent Russian settlement on this continent south of latitude 59°; that of New Archangel, cited by Mr. Poletica, in latitude 57° 30′, being upon an island. So far as prior *discovery* can constitute a foundation of right, the papers which I have referred to prove that it belongs to the United States as far as 59° north, by the transfer to them of the rights of Spain. There is, however, no part of the globe where the mere fact of discovery could be held to give weaker claims than on the Northwest coast. . . . No European nation has yet formed an establishment upon the immense extent of coast from Cape Mendosino to the 59th degree of latitude. Beyond that limit the Russian factories commence, most of which are scattered and distant from each other, like the factories established by the European nations for the last three centuries on the coast of Africa. . . .

On the 4th of January, 1810, Mr. Daschkoff, chargé d'affaires and consul-general from Russia, renewed this proposal of a convention, and requested, as

[77] *Ibid.*, p. 47.

[78] *Memoirs of John Quincy Adams*, vol. VI, p. 163.

an alternative, that the United States should, by a legislative act, prohibit the trade of their citizens with the natives of the northwest coast of America, as *unlawful and irregular*, and thereby induce them to carry on the trade exclusively with the agents of the Russian-American Company. The answer of the Secretary of State, dated the 5th of May, 1810, declines those proposals for reasons which were then satisfactory to the Russian Government, or to which, at least, no reply on their part was made. Copies of these papers, and of those containing the instructions to the minister of the United States then at St. Petersburg, and the relation of his conferences with the chancellor of the empire, Count Romanzoff, on this subject, are herewith inclosed. By them it will be seen that the Russian Government at that time explicitly declined the assertion of *any* boundary line upon the northwest coast, and that the proposal of measures for confining the trade of the citizens of the United States exclusively to the Russian settlement at Kodiack and with the agents of the Russian-American Company had been made by Count Romanzoff, under the impression that they would be as advantageous to the interests of the United States as to those of Russia.

It is necessary now to say that this impression was erroneous. That the traffic of the citizens of the United States with the natives of the northwest coast was neither *clandestine* nor unlawful nor irregular. That it had been enjoyed many years before the Russian-American Company existed, and that it interfered with no lawful right or claim of Russia.

This trade has been shared also by the English, French, and Portuguese. In the prosecution of it the English settlement of Nootka Sound was made, which occasioned the differences between Great Britain and Spain in 1789 and 1790, ten years before the Russian-American Company was first chartered.

. . . . .

The right of the United States from the forty-second to the forty-ninth parallel of latitude on the Pacific Ocean we consider as unquestionable, being founded, first, on the acquisition by the treaty of February 22, 1819, of all the rights of Spain; second, by the discovery of the Columbia River, first from sea at its mouth, and then by land by Lewis and Clarke; and third, by the settlement at its mouth in 1811. This territory is to the United States of an importance which no possession in North America can be of to any European nation, not only as it is but the continuity of their possessions from the Atlantic to the Pacific Ocean, but as it offers their inhabitants the means of establishing hereafter water communications from the one to the other.

It is not conceivable that any possession upon the continent of North America should be of use or importance to Russia for any other purpose than that of traffic with the natives. This was in fact the inducement to the formation of the Russian American Company and to the charter granted them by the Emperor Paul. It was the inducement to the ukase of the Emperor Alexander. By offering free and equal access for a term of years to navigation and intercourse with the natives to Russia, within the limits to which our claims are indisputable, we concede much more than we obtain. It is not to be doubted that, long before the expiration of that time, our settlement at the mouth of the Columbia River will become so considerable as to offer means of useful commercial intercourse with the Russian settlements on the islands of the northwest coast.

With regard to the territorial claim, separate from the right of traffic with the natives and from any system of colonial exclusions, we are willing to agree to the boundary line within which the Emperor Paul had granted exclusive privileges to the Russian American Company, that is to say latitude 55°

If the Russian Government apprehend serious inconvenience from the illicit traffic of foreigners with their settlements on the northwest coast, it may be effectually guarded against by stipulations similar to those, a draft of which is herewith subjoined, and to which you are authorized, on the part of the United States, to agree.

As the British ambassador at St. Petersburg is authorized and insrtucted to negotiate likewise upon this subject, it may be proper to adjust the interests and claims of the three powers by a joint convention. Your full power is prepared accordingly.[79]

Secretary Adams accompanied his instruction to Mr. Middleton of July 22, 1823, with certain observations, one of the concluding paragraphs of which reads:

There can, perhaps, be no better time for saying, frankly and explicitly, to the Russian Government, that the future peace of the world, and the interests of Russia herself, cannot be promoted by Russian settlements upon any part of the American continent. With the exception of the British establishments north of the United States, the remainder of both the American continents must henceforth be left to the management of American hands. It cannot possibly be the purpose of Russia to form extensive *colonial* establishments in America. The new American Republics will be as impatient of a Russian neighbor as the United States; and the claim of Russia to territorial possession, extending to the 51st degree of north latitude, is equally incompatible with the British pretensions.[80]

On the same day, July 22, 1823, Secretary Adams sent an instruction to Mr. Rush, our Minister to Great Britain, in which, in discussing the claim of Great Britain to the northwest portion of the North American continent, he used the following language:

Until the Nootka Sound contest Great Britain had never advanced any claim to territory upon the Northwest Coast of America by right of occupation. Under the treaty of 1763 her territorial rights were bounded by the Mississippi.

On the 22nd of July, 1793, McKenzie reached the shores of the Pacific by land from Canada, in latitude 52° 21′ north, longitude 128° 2′ west of Greenwich. . . .

It is not imaginable that, in the present condition of the world, *any* European nation should entertain the project of settling a *colony* on the Northwest Coast of America. That the United States should form establishments there, with views of absolute territorial right and inland communication, is not only to be expected, but is pointed out by the finger of nature, and has been for many years a subject of serious deliberation in Congress. A plan has, for several sessions, been before them for establishing a Territorial Government on the borders of the Columbia river. It will undoubtedly be resumed at their next session, and even if then again postponed there cannot be a doubt that, in the course of a very few years, it must be carried into effect.

As yet, however, the only useful purpose to which the Northwest Coast of America has been or can be made subservient to the settlements of civilized

[79] *Alaskan Boundary Tribunal: Appendix to the Case of the United States*, vol. II, pp. 48–51.

[80] *American State Papers, Foreign Relations*, vol. V, p. 445.

men are the fisheries on its adjoining seas and trade with the aboriginal inhabitants of the country. These have, hitherto, been enjoyed in common by the people of the United States, and by the British and Russian nations. The Spanish, Portuguese, and French nations have also participated in them hitherto, without other annoyance than that which resulted from the exclusive territorial claims of Spain, so long as they were insisted on by her.

The United States and Great Britain have both protested against the Russian Imperial ukase of September 4, (16,) 1821. At the proposal of the Russian Government, a full power and instructions are now transmitted to Mr. Middleton, for the adjustment, by amicable negotiation, of the conflicting claims of the parties on this subject.

We have been informed by the Baron de Tuyll that a similar authority has been given on the part of the British Government to Sir Charles Bagot.

Previous to the restoration of the settlement at the mouth of Columbia river in 1818, and again upon the first introduction in Congress of the plan for constituting a Territorial Government there, some disposition was manifested by Sir Charles Bagot and by Mr. Canning to dispute the right of the United States to that establishment, and some vague intimation was given of British claims on the Northwest Coast. The restoration of the place and the convention of 1818 were considered as a final disposal of Mr. Bagot's objections, and Mr. Canning declined committing to paper those which he had intimated in conversation.

The discussion of the Russian pretensions in the negotiation now proposed necessarily involves the interests of the three powers, and renders it manifestly proper that the United States and Great Britain should come to a mutual understanding with respect to *their respective* pretensions, as well as upon their joint views with reference to those of Russia. Copies of the instructions to Mr. Middleton are, therefore, herewith transmitted to you, and the President wishes you to confer freely with the British Government on the subject.

The principles settled by the Nootka Sound convention of October 28, 1790, were—

> 1st. That the rights of fishery in the South Seas, of trading with the natives of the Northwest Coast of America, and of making settlements on the coasts itself for the purposes of that trade, north of the *actual* settlements of Spain, were common to all the European nations, and of course to the United States.
>
> 2d. That so far as the actual settlements of Spain had extended, she possessed the exclusive rights, territorial, and of navigation and fishery, extending to the distance of ten miles from the coasts so *actually occupied*.
>
> 3d. That on the coasts of *South America*, and the adjacent islands *south* of the parts already occupied by Spain, no settlement should thereafter be made either by British or Spanish subjects, but on both sides should be retained the liberty of landing, and of erecting temporary buildings for the purposes of the fishery. These rights were, also, of course, enjoyed by the people of the United States.

The exclusive rights of Spain to any part of the American continents have ceased. That portion of the convention, therefore, which recognizes the exclusive colonial rights of Spain on these continents, though confirmed as between Great Britain and Spain, by the first additional article to the treaty of the 5th of July, 1814, has been extinguished by the fact of the independence of the South American nation and of Mexico. Those independent nations will possess the rights incident to that condition, and their territories will, of course, be subject to no *exclusive* right of navigation in their vicinity, or of access to them by any foreign nation.

A necessary consequence of this state of things will be, that the American continents, henceforth, will no longer be subjects of colonization. Occupied by civilized independent nations, they will be accessible to Europeans and to each

other on that footing alone, and the Pacific Ocean in every part of it will remain open to the navigation of all nations, in like manner with the Atlantic.

Incidental to the condition of national independence and sovereignty, the rights of anterior navigation of their rivers will belong to each of the American nations within its own territories.

The application of colonial principles of exclusion, therefore, can not be admitted by the United States as lawful upon any part of the Northwest Coast of America, or as belonging to any European nation. Their own settlements there, when organized as Territorial Governments, will be adapted to the freedom of their own institutions, and, as constituent parts of the Union, be subject to the principles and provisions of their constitution.[81]

The Correspondence Regarding Cuba, 1822–1823

During the closing months of 1822 and the opening months of 1823 a considerable anxiety existed as to the possible disposition of Cuba by Spain. Secretary Adams, writing to Mr. Forsyth, our Minister to Spain, on December 17, 1822, with reference to a presumed intention of the British Government "to obtain possession of the island," said that:

. . . It is even asserted from sources to which some credit is due that they have been for more than two years in secret negotiation with Spain for the cession of the Island; and it is added that Spain, though disinclined to such an arrangement might resist it with more firmness, if for a limited period of time she could obtain the joint guaranty of the United States and France, securing the Island to herself.[82]

Adverting to the fact that both France and Great Britain had agents "observing the course of events and perhaps endeavoring to give them different directions," Secretary Adams stated that the President desired Mr. Forsyth—

. . . to obtain correct information whether such a negotiation as has been above suggested is on foot between Spain and Great Britain, and if so to communicate to the Spanish Government in a manner adapted to the delicacy of the case the sentiments of this Government in relation to this subject, which are favorable to the continuance of Cuba in its connection with Spain.[83]

Henry Clay is credited with having told Mr. Canning in February of 1823 that "we would fight for it [Cuba] should they [the British] attempt the possession."[84]

Secretary Adams communicated with Mr. Nelson, our Minister to Spain, on April 28, 1823. Commenting upon the war commencing between France and Spain, Secretary Adams said:

. . . Whatever may be the issue of this war, as between those two European Powers it may be taken for granted that the dominion of Spain upon the American Continents, North and South is irrevocably gone.[85]

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[81] *American State Papers, Foreign Relations*, vol. v, pp. 447–448.

[82] MS., Instructions to United States Ministers, vol. ix, p. 158.

[83] *Ibid.*, p. 159.

[84] Moore, *International Law Digest*, vol. vi, p. 380.

[85] MS., Instructions to United States Ministers, vol. ix, p. 186.

Referring to the islands of Porto Rico and Cuba, Secretary Adams said:

. . . These Islands from their local position are natural appendages to the North American continent: and one of them, Cuba, almost in sight of our shores, from a multitude of considerations has become an object of transcendent importance to the political and commercial interests of our Union. . . .

Such indeed are, between the interests of that Island and of this Country, the geographical, commercial, moral, and political relations formed by nature, gathering in the process of time, and even now verging to maturity that in looking forward to the probable course of events for the short period of half a century, it is scarcely possible to resist the conviction, that the annexation of Cuba to our federal Republic will be indispensable to the continuance and integrity of the Union itself.[86]

Secretary Adams continued, saying:

It is obvious however that for this event we are not yet prepared. Numerous and formidable objections to the extension of our territorial dominions beyond sea, present themselves to the first contemplation of the subject. Obstacles to the system of policy by which alone that result can be compassed, and maintained, are to be foreseen and surmounted both from at home and abroad. But there are Laws of political as well as of physical gravitation; and if an apple severed by the tempest from its native tree can not chuse but fall to the ground, Cuba forcibly disjoined from its own unnatural connection with Spain, and incapable of self support, can gravitate only towards the North American Union, which by the same law of nature, can not cast her off from its bosom.[87]

Later in his instruction Secretary Adams said:

The transfer of Cuba to Great Britain would be an event unpropitious to the interests of this Union.[88]

On the following day, April 29, 1823, Secretary Adams instructed Mr. Randall, our Special Agent to Cuba, to observe the course of events in that island. Among other instructions Mr. Adams said:

You will be mindful of any apparent popular agitation; particularly of such as may have reference either to a transfer of the Island from Spain to any other Power; or to the assumption by the Inhabitants of an Independent Government. If in your intercourse with Society, inquiries should be made of you, with regard to the views of the Government of the United States, concerning the political state of Cuba, you will say, that so far as they were known to you, from having resided at the Seat of Government, the first wish of the Government was for the continuance of Cuba in its political connection with Spain; and that it would be altogether averse to the transfer of the Island to any other Power.[89]

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[86] MS., Instructions to United States Ministers, vol. IX, pp. 186–187.
[87] *Ibid.*, p. 187.
[88] *Ibid.*, p. 192.
[89] MS., Despatches to Consuls, vol. II, pp. 283–284.

The Correspondence between the United States and Great Britain, 1823

Commencing in August 1823, Mr. Canning began approaches to Mr. Rush concerning the possible future disposition of the revolted Spanish American colonies. Mr. Rush reporting on August 19, 1823, an interview with Mr. Canning stated that Canning had said:

> that as His Britannic Majesty disclaimed all intention of appropriating to himself the smallest portion of the late Spanish possessions in America, he was also satisfied that no attempt would be made by France to bring any of them under *her* dominion, either by conquest or by cession from Spain.[90]

Replying to Mr. Rush's inquiry regarding the position of His Majesty's Government on the point of the independence of these colonies, Mr. Rush reported Mr. Canning as follows:

> He replied that Great Britain certainly never again intended to lend her instrumentality or aid, whether by mediation or otherwise, towards making up the dispute between Spain and her colonies, but that if this result could still be brought about she would not interfere to *prevent* it.[91]

Mr. Rush, having intimated that Spain could not recover her colonies, quotes Mr. Canning as saying that "he, too, believed that the day had arrived when all America might be considered as lost to Europe so far as the tie of political dependence was concerned." Later Rush states that:

> Reverting to his [Canning's] first idea, he again said that he hoped that France would not, should even events in the Peninsula be favorable to her, extend her views to South America for the purpose of reducing the colonies, nominally, perhaps, for Spain, but in effect to subserve ends of her own; but that, in case she should meditate such a policy, he was satisfied that the knowledge of the United States being opposed to it, as well as Great Britain, could not fail to have its influence in checking her steps.[92]

This communication from Mr. Rush is of such importance that it should be quoted in full, as likewise the subsequent communications from Mr. Canning upon this subject. This first communication reads:

> When my interview with Mr. Canning, on Saturday, was about to close, I transiently asked him whether, notwithstanding the late news from Spain, we might not still hope that the Spaniards would get the better of all their difficulties. I had allusion to the defection of Ballasteros in Andalusia, an event seeming to threaten with new dangers the constitutional cause. His reply was general, importing nothing more than his opinion of the increased difficulties and dangers with which, undoubtedly, this event was calculated to surround the Spanish cause.

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[90] Moore, *International Law Digest*, vol. VI, p. 386.
[91] *Ibid.*, p. 387.
[92] *Ibid.*, p. 388.

Pursuing the topic of Spanish affairs, I remarked that should France ultimately effect her purposes in Spain, there was at least the consolation left that Great Britain would not allow her to go further and lay her hands upon the Spanish colonies, bringing them, too, under her grasp. I here had in my mind the sentiments promulgated upon this subject in Mr. Canning's note to the British ambassador at Paris of the 31st of March, during the negotiations that preceded the invasion of Spain. It will be recollected that the British Government say in this note that time and the course of events appeared to have substantially decided the question of the separation of these colonies from the mother country, although their formal recognization as independent states by Great Britain might be hastened or retarded by external circumstances, as well as by the internal condition of those new states themselves; and that as His Britannic Majesty disclaimed all intention of appropriating to himself the smallest portion of the late Spanish possessions in America, he was also satisfied that no attempt would be made by France to bring any of them under *her* dominion, either by conquest or by cession from Spain.

By this we are to understand, in terms sufficiently distinct, that Great Britain would not be passive under such an attempt by France, and Mr. Canning, on my having referred to this note, asked me what I thought my Government would say to going hand in hand with this, in the same sentiment; not, as he added, that any concert in action under it could become necessary between the two countries, but that the simple fact of our being known to hold the same sentiment would, he had no doubt, by its moral effect, put down the intention on the part of France, admitting that she should ever entertain it. This belief was founded, he said, upon the large share of the maritime power of the world which Great Britain and the United States shared between them, and the consequent influence which the knowledge that they held a common opinion upon a question on which such large maritime interests, present and future, hung, could not fail to produce upon the rest of the world.

I replied that in what manner my Government would look upon such a suggestion I was unable to say, but that I would communicate it in the same informal manner in which he threw it out. I said, however, that I did not think I should do so with full advantage, unless he would at the same time enlighten me as to the precise situation in which His Majesty's Government stood at this moment in relation to those new states, and especially on the material point of their own independence.

He replied that Great Britain certainly never again intended to lend her instrumentality or aid, whether by mediation or otherwise, towards making up the dispute between Spain and her colonies, but that if this result could still be brought about she would not interfere to *prevent* it. Upon my intimating that I had supposed that all idea of Spain ever recovering her authority over the colonies had long since gone by, he explained by saying that he did not mean to controvert that opinion, for he, too, believed that the day had arrived when all America might be considered as lost to Europe so far as the tie of political dependence was concerned. All that he meant was, that if Spain and the colonies should still be able to bring the dispute, not yet totally extinct between them, to a close upon terms satisfactory to both sides, and which should at the same time secure to Spain commercial or other advantages not extended to other nations, that Great Britain would not object to a compromise in this spirit of preference to Spain. All that she would ask would be to stand upon as favored a footing as any other nation after Spain. Upon my again alluding to the improbability of the dispute ever settling down now even upon this basis, he said that it was not his intention to maintain such

a position, and that he had expressed himself as above rather for the purpose of indicating the feeling which this cabinet still had towards Spain in relation to the controversy than of predicting results.

Wishing, however, to be still more specifically informed, I asked whether Great Britain was at this moment taking any step, or contemplating any, which had reference to the recognition of these States, this being the point in which we felt the chief interest.

He replied that she had taken none whatever, as yet, but was upon the eve of taking one, not final, but preparatory, and which would still leave her at large to recognize or not, according to the position of events at a future period. The measure in question was to send out one or more individuals under authority from this Government to South America, not strictly diplomatic, but clothed with powers in the nature of a commission of inquiry, and which in short he described as analogous to those exercised by our own commissioners in 1817, and that upon the result of this commission much might depend as to the ulterior conduct of Great Britain. I asked whether I was to understand that it would comprehend all the new States, or which of them. To which he replied that for the present it would be limited to Mexico.

Reverting to his first idea, he again said that he hoped that France would not, should even events in the Peninsula be favorable to her, extend her views to South America for the purpose of reducing the colonies, nominally, perhaps, for Spain, but in effect to subserve ends of her own; but that, in case she should meditate such a policy, he was satisfied that the knowledge of the United States being opposed to it, as well as Great Britain, could not fail to have its influence in checking her steps. In this way he thought good might be done by prevention, and peaceful prospects all around increased. As to the form in which such knowledge might be made to reach France, and even the other powers of Europe, he said, in conclusion, that that might probably be arranged in a manner that would be free from objection.

I again told him that I would convey his suggestions to you for the information of the President, and impart to him whatever reply I might receive. My own inference rather is that his proposition was a fortuitous one; yet he entered into it, I thought, with some interest, and appeared to receive with a corresponding satisfaction the assurance I gave him that it should be made known to the President. I did not feel myself at liberty to express any opinion unfavorable to it, and was as careful to give none in its favor.

Mr. Canning mentioned to me, at this same interview, that a late confidential dispatch which he had seen from Count Nesselrode to Count Lieven, dated, I think, in June, contained declarations respecting the Russian ukase, relative to the northwest coast, that were satisfactory; that they went to show that it would probably not be executed in a manner to give cause of complaint to other nations, and that, in particular, it had not yet been executed in any instance under orders issued by Russia subsequently to its first promulgation.[93]

On August 20, 1823, Mr. Canning sent to Mr. Rush a "private and confidential" communication which reads as follows:

Before leaving town I am desirous of bringing before you in a more distinct, but still in an unofficial and confidential shape, the question which we shortly discussed the last time that I had the pleasure of seeing you.

Is not the moment come when our Governments might understand each other as to the Spanish-American colonies? And if we can arrive at such an

[93] Moore, *International Law Digest*, vol. VI, pp. 386–388.

understanding, would it not be expedient for ourselves, and beneficial for all the world, that the principles of it should be clearly settled and plainly avowed?

For ourselves we have no disguise.

1. We conceive the recovery of the colonies by Spain to be hopeless.

2. We conceive the question of the recognition of them, as independent states, to be one of time and circumstances.

3. We are, however, by no means disposed to throw any impediment in the way of an arrangement between them and the mother country by amicable negotiation.

4. We aim not at the possession of any portion of them ourselves.

5. We could not see any portion of them transferred to any other power with indifference.

If these opinions and feelings are, as I firmly believe them to be, common to your Government with ours, why should we hesitate mutually to confide them to each other, and to declare them in the face of the world?

If there be any European power which cherishes other projects, which looks to a forcible enterprise for reducing the colonies to sujugation, on the behalf or in the name of Spain, or which meditates the acquisition of any part of them to itself, by cession or by conquest, such a declaration on the part of your Government and ours would be at once the most effectual and the least offensive mode of intimating our joint disapprobation of such projects.

It would at the same time put an end to all the jealousies of Spain with respect to her remaining colonies, and to the agitation which prevails in those colonies, an agitation which it would be but humane to allay, being determined (as we are) not to profit by encouraging it.

Do you conceive that, under the power which you have recently received, you are authorized to enter into negotiation, and to sign any convention upon this subject? Do you conceive, if that be not within your competence, you could exchange with me ministerial notes upon it?

Nothing could be more gratifying to me than to join with you in such a work, and I am persuaded there has seldom, in the history of the world, occurred an opportunity when so small an effort of two friendly Governments might produce so unequivocal a good, and prevent such extensive calamities.

I shall be absent from London but three weeks at the utmost, but never so far distant but that I can receive and reply to any communication within three or four days.[94]

Three days later Mr. Rush replied to Mr. Canning's note of August 20 as follows:

Your unofficial and confidential note of the 20th instant reached me yesterday, and has commanded from me all the reflection due to the interests of its subject and to the friendly spirit of confidence upon which it is so emphatically founded.

The Government of the United States having, in the most formal manner, acknowledged the independence of the late Spanish provinces in America, desires nothing more anxiously than to see this independence maintained with stability, and under auspices that may promise prosperity and happiness to these new states themselves, as well as advantage to the rest of the world. As conducing to these great ends, my Government has always desired, and still desires, to see them received into the family of nations by the powers of Europe, and especially, I may add, by Great Britain.

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[94] Moore, *International Law Digest*, vol. VI, pp. 389–390.

My Government is also under a sincere conviction that the epoch has arrived when the interests of humanity and justice, as well as all other interests, would be essentially subserved by the general recognition of these states.

Making these remarks, I believe I may confidently say, that the sentiments unfolded in your note are fully those which belong also to my Government.

It conceives the recovery of the colonies by Spain to be hopeless.

It would throw no impediment in the way of an arrangement between them and the mother country, by amicable negotiation, supposing an arrangement of this nature to be possible.

It does not aim at the possession of any portion of those communities for or on behalf of the United States.

It would regard as highly unjust and fruitful of disastrous consequences any attempt on the part of any European power to take possession of them by conquest, or by cession, or on any ground or pretext whatever.

But in what manner my Government might deem it expedient to avow these principles and feelings, or express its disapprobation of such projects as the last, are points which none of my instructions, or the power which I have recently received, embrace; and they involve, I am forced to add, considerations of too much delicacy for me to act upon them in advance.

It will yield me particular pleasure to be the organ of promptly causing to be brought under the notice of the President the opinions and views of which you have made me the depositary upon this subject, and I am of nothing more sure than that he will fully appreciate their intrinsic interest, and not less the frank and friendly feelings towards the United States in which they have been conceived and communicated to me on your part.

Nor do I take too much upon myself when I anticipate the peculiar satisfaction the President will also derive from the intimation which you have not scrupled to afford me as to the just and liberal determinations of His Majesty's Government in regard to the colonies which still remain to Spain.[95]

On the same day that Mr. Rush addressed Mr. Canning (that is, August 23, 1823), Mr. Canning made a further communication to Mr. Rush. This communication reads:

Since I wrote to you on the 20th, an additional motive has occurred for wishing that we might be able to come to some understanding on the part of our respective Governments on the subject of my letter; to come to it soon, and to be at liberty to announce it to the world.

It is this. I have received notice, but not such a notice as imposes upon me the necessity of any immediate answer or proceeding—that so soon as the military objects in Spain are achieved (of which the French expect, how justly I know not, a very speedy achievement) a proposal will be made for a Congress, or some less formal concert and consultation, specially upon the affairs of Spanish America.

I need not point out to you all the complications to which this proposal, however dealt with by us, may lead.

Pray receive this communication in the same confidence with the former; and believe me with great truth, etc.[96]

On the same day (August 23) Mr. Rush transmitted to Secretary Adams, Mr. Canning's "private and confidential" communication of

[95] *Ibid.*, p. 390–391.

[96] *Ibid.*, p. 392.

August 20 and Mr. Rush's reply thereto of August 23, in a despatch which read as follows:

I yesterday received from Mr. Canning a note, headed "private and confidential," setting before me, in a more distinct form, the proposition respecting South American affairs which he communicated to me in conversation on the 16th, as already reported in my number 323. Of his note I lose no time in transmitting a copy for your information, as well as a copy of my answer to it, written and sent this day.

In shaping the answer on my own judgment alone, I feel that I have had a task of some embarrassment to perform, and shall be happy if it receives the President's approbation.

I believe that this Government has the subject of Mr. Canning's proposition much at heart, and certainly his note bears, upon the face of it, a character of cordiality towards the Government of the United States which can not escape notice.

I have therefore thought it proper to impart to my note a like character and to meet the points laid down in his, as far as I could, consistently with other and paramount considerations.

These I conceive to be chiefly twofold: First, the danger of pledging my Government to any measure or course of policy which might in any degree, now or hereafter, implicate it in the federative system of Europe; and, secondly, I have felt myself alike without warrant to take a step which might prove exceptional in the eyes of France, with whom our pacific and friendly relations remain, I presume, undisturbed, whatever may be our speculative abhorrence of her attack upon the liberties of Spain.

In framing my answer, I had also to consider what was due to Spain herself, and I hope that I have not overlooked what was due to the colonies.

The whole subject is open to views on which my mind has deliberated anxiously. If the matter of my answer shall be thought to bear properly upon the motives and considerations which belong most materially to the occasion, it will be a source of great satisfaction to me.

The tone of earnestness in Mr. Canning's note, and the force of some of his expressions, naturally start the inference that the British cabinet can not be without its serious apprehensions that ambitious enterprises are meditated against the independence of the South American states. Whether by France alone I can not now say on any authentic grounds.[97]

The foregoing, as also the last letter of Mr. Canning to Mr. Rush marked "private and confidential" and written on August 23, 1823, was received at Washington on October 9, 1823.

The Correspondence of Monroe, Jefferson, and Madison

On October 17, 1823, President Monroe sent this correspondence to Mr. Jefferson for his comments by a transmitting letter which read:

I transmit to you two despatches, which were receiv'd from Mr. Rush, while I was lately in Washington, which involve interests of the highest importance. They contain two letters from Mr. Canning, suggesting designs of the holy alliance against the Independence of S°. America, & proposing a cooperation, be-

[97] Moore, *International Law Digest*, vol. VI, pp. 391–392.

tween G. Britain & the U. States, in support of it, against the members of that alliance. The project aims in the first instance, at a mere expression of opinion, somewhat in the abstract, but which it is expected by Mr. Canning, will have a great political effect, by defeating the combination. By Mr. Rush's answers, which are also inclosed, you will see the light in which he views the subject, & the extent to which he may have gone. Many important considerations are involved in this proposition. 1st. Shall we entangle ourselves, at all, in European politicks, & wars, on the side of any power, against others, presuming that a concert by agreement, of the kind proposed, may lead to that result? 2d. If a case can exist, in which a sound maxim may, & ought to be departed from, is not the present instance, precisely that case? 3d. Has not the epoch arriv'd when G. Britain must take her stand, either on the side of the monarchs of Europe, or of the U. States, & in consequence, either in favor of Despotism or of liberty & may it not be presum'd, that aware of that necessity, her government, has seiz'd on the present occurrence, as that, which it deems, the most suitable, to announce & mark the commenc'ment of that career.

My own impression is that we ought to meet the proposal of the British govt., & to make it known, that we would view an interference on the part of the European powers, and especially an attack on the Colonies, by them, as an attack on ourselves, presuming that if they succeeded with them, they would extend it to us. I am sensible however of the extent, & difficulty of the question, & shall be happy to have yours, & Mr. Madison's opinions on it. I do not wish to trouble either of you with small objects, but the present one is vital, involving the high interests, for which we have so long & so faithfully, & harmoniously contended together. Be so kind as to enclose to him the despatches, with an intimation of the motive.[98]

To this letter Mr. Jefferson replied under date of October 24, 1823. Mr. Jefferson's letter reads:

The question presented by the letters you have sent me, is the most momentous which has ever been offered to my contemplation since that of independence. That made us a nation, this sets our compass and points the course which we are to steer through the ocean of time opening on us. And never could we embark upon it under circumstances more auspicious. Our first and fundamental maxim should be, never to entangle ourselves in the broils of Europe; our second, never to suffer Europe to intermeddle with cis-Atlantic affairs. America, North and South, has a set of interests distinct from those of Europe, and particularly her own. She should therefore have a system of her own, separate and apart from that of Europe. While the last is laboring to become the domicile of despotism, our endeavor should surely be, to make our hemisphere that of freedom.

One nation, most of all, could disturb us in this pursuit; she now offers to lead, aid, and accompany us in it. By acceding to her proposition, we detach her from the bands, bring her mighty weight into the scale of free government, and emancipate a continent at one stroke, which might otherwise linger long in doubt and difficulty. Great Britain is the nation which can do us the most harm of any one, or all on earth; and with her on our side we need not fear the whole world. With her, then, we should most sedulously cherish a cordial friendship; and nothing would tend more to knit our affections than to be fighting once more, side by side, in the same cause. Not that I would purchase even her amity at the price of taking part in her wars.

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[98] *Ibid.*, p. 393.

But the war in which the present proposition might engage us, should that be its consequence, is not her war, but ours. Its object is to introduce and establish the American system, of keeping out of our land all foreign powers—of never permitting those of Europe to intermeddle with the affairs of our nations. It is to maintain our own principle, not to depart from it. And if, to facilitate this, we can effect a division in the body of the European powers, and draw over to our side its most powerful member, surely we should do it. But I am clearly of Mr. Canning's opinion, that it will prevent instead of provoking war. With Great Britain withdrawn from their scale and shifted into that of our two continents, all Europe combined would not undertake such a war, for how would they propose to get at either enemy without superior fleets? Nor is the occasion to be slighted which this proposition offers of declaring our protest against the atrocious violations of the rights of nations by the interference of any one in the internal affairs of another, so flagitiously begun by Bonaparte, and now continued by the equally lawless Alliance calling itself Holy.

But we have first to ask ourselves a question. Do we wish to acquire to our own confederacy any one or more of the Spanish provinces? I candidly confess that I have ever looked on Cuba as the most interesting addition which could ever be made to our system of States. The control which, with Florida Point, this island would give us over the Gulf of Mexico, and the countries and isthmus bordering on it, as well as all those whose waters flow into it, would fill up the measure of our political well-being. Yet, as I am sensible that this can never be obtained, even with her own consent, but by war, and its independence, which is our second interest (and especially its independence of England), can be secured without it, I have no hesitation in abandoning my first wish to future chances, and accepting its independence, with peace and the friendship of England, rather than its association, at the expense of war and her enmity.

I could honestly, therefore, join in the declaration proposed, that we aim not at the acquisition of any of those possessions, that we will not stand in the way of any amicable arrangement between them and the mother country; but that we will oppose, with all our means, the forcible interposition of any other power, as auxiliary, stipendiary, or under any other form or pretext, and most especially their transfer to any power by conquest, cession or acquisition in any other way. I should think it, therefore, advisable, that the Executive should encourage the British Government to a continuance in the dispositions expressed in these letters by an assurance of his concurrence with them as far as his authority goes; and that as it may lead to war, the declaration of which requires an act of Congress, the case shall be laid before them for consideration at their first meeting, and under the reasonable aspect in which it is seen by himself.

I have been so long weaned from political subjects, and have so long ceased to take any interest in them, that I am sensible I am not qualified to offer opinions on them worthy of any attention; but the question now proposed involves consequences so lasting, and effects so decisive of our future destinies, as to rekindle all the interest I have heretofore felt on such occasions, and to induce me to the hazard of opinions which will prove only my wish to contribute still my mite toward anything which may be useful to our country. And, praying you to accept it at only what it is worth, I add the assurance of my constant and affectionate friendship and respect.[99]

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[99] Moore, *International Law Digest*, vol. VI, pp. 394–395.

Pursuant to the request made by President Monroe, Mr. Jefferson transmitted to Mr. Madison under date of October 24, 1823, President Monroe's letter to Mr. Jefferson of October 17 with its enclosures.

Mr. Madison transmitted to President Monroe his observations under date of October 30, which observations read as follows:

I have just received from Mr. Jefferson your letter to him, with the correspondence between Mr. Canning and Mr. Rush, sent for his and my perusal, and our opinions on the subject of it.

From the disclosures of Mr. Canning it appears, as was otherwise to be inferred, that the success of France against Spain would be followed by an attempt of the holy allies to reduce the revolutionized colonies of the latter to their former dependence.

The professions we have made to these neighbours, our sympathies with their liberties and independence, the deep interest we have in the most friendly relations with them, and the consequences threatened by a command of their resources by the great powers, confederated against the rights and reforms of which we have given so conspicuous and persuasive an example, all unite in calling for our efforts to defeat the meditated crusade. It is particularly fortunate that the policy of Great Britain, though guided by calculations different from ours, has presented a co-operation for an object the same with ours. With that co-operation we have nothing to fear from the rest of Europe, and with it the best assurance of success to our laudable views. There ought not, therefore, to be any backwardness, I think, in meeting her in the way she has proposed, keeping in view, of course, the spirit and forms of the Constitution in every step taken in the road to war, which must be the last step if those short of war should be without avail.

It can not be doubted that Mr. Canning's proposal, though made with the air of *consultation*, as well as concert, was founded on a predetermination to take the course marked out, whatever might be the reception given here to his invitation. But this consideration ought not to divert us from what is just and proper in itself. Our co-operation is due to ourselves and to the world; and whilst it must ensure success in the event of an appeal to force, it doubles the chance of success without that appeal. It is not improbable that Great Britain would like best to have the merit of being the sole champion of her new friends, notwithstanding the greater difficulty to be encountered, but for the dilemma in which she would be placed. She must, in that case, either leave us, as neutrals, to extend our commerce and navigation at the expense of hers, or make us enemies, by renewing her paper blockades and other arbitrary proceedings on the ocean. It may be hoped that such a dilemma will not be without a permanent tendency to check her proneness to unnecessary wars.

Why the British Cabinet should have scrupled to arrest the calamity it now apprehends, by applying to the threats of France against Spain the small effort which it scruples not to employ in behalf of Spanish America, is best known to itself. It is difficult to find any other explanation than that interest in the one case has more weight in its casuistry than principle had in the other.

Will it not be honorable to our country, and possibly not altogether in vain, to invite the British Government to extend the "avowed disapprobation" of the project against the Spanish colonies to the enterprise of France against Spain herself, and even to join in some declaratory act in behalf of the Greeks? On the supposition that no form could be given to the act clearing it of a pledge to follow it up by war, we ought to compare the good to be done with the little injury to be apprehended to the United States, shielded as their interests would

be by the power and fleets of Great Britain united with their own. These are questions, however, which may require more information than I possess, and more reflection than I can now give them.

What is the extent of Mr. Canning's disclaimer as to "the remaining possessions of Spain in America?" Does it exclude future views of acquiring Porto Rico, &c., as well as Cuba? It leaves Great Britain free, as I understand it, in relation to other quarters of the globe.[1]

On November 1, Mr. Madison wrote to Mr. Jefferson returning to Mr. Jefferson the letter of the President. This letter in part reads:

I return the letter of the President. The correspondence from abroad has gone back to him, as you desired. I have expressed to him my concurrence in the policy of meeting the advances of the British Government, having an eye to the forms of our Constitution in every step in the road to war. With the British power and navy combined with our own, we have nothing to fear from the rest of the world; and in the great struggle of the epoch between liberty and despotism, we owe it to ourselves to sustain the former, in this hemisphere at least. I have even suggested an invitation to the British Government to join in applying the "small effort for so much good" to the French invasion of Spain, and to make Greece an object of some such favorable attention. Why Mr. Canning and his colleague did not sooner interpose against the calamity, which could not have escaped foresight, can not be otherwise explained but by the different aspect of the question when it related to liberty in Spain, and to the extension of British commerce to her former colonies.[2]

The matter seems to have gone to the Cabinet approximately a week later, or on November 7, 1823.

A great deal has been written on the point as to who was the author of the Monroe Doctrine. It is not necessary for present purposes to enter into a discussion of this point. The facts are that the principles of the Doctrine had been in the minds of American statesmen for a third of a century (more or less).

The course of the discussions in the Cabinet have been the subject of considerable explanation by Charles Francis Adams in his monograph on *John Quincy Adams, His Connection with the Monroe Doctrine*, also in *The Monroe Doctrine, 1823–1826*, by Mr. Perkins.

Discussions in the Cabinet

The high points of the Cabinet discussion have been set out in a lucid and sufficient manner by Mr. Moore in his *Digest* in the following summary:

From the 7th to the end of November 1823, the question of Canning's proposals, and the correspondence and conferences between Mr. Adams and Baron Tuyll, frequently occupied the attention of President Monroe and his Cabinet. Mr. Adams thought that Canning wanted some public pledge from the United States not only against the forcible intervention of the Holy Alliance in Spanish America, but also especially against the acquisition by the United States of any part of those countries. Mr. Calhoun inclined to give discretionary powers to

[1] Moore, *International Law Digest*, vol. VI, pp. 396–397.
[2] *Ibid.*, p. 397.

Mr. Rush to join in a declaration against the interference of the Holy Alliance, if necessary, even if it should pledge the United States not to take Cuba or Texas. Mr. Adams was not in favor of this. On the 15th of November, Mr. Adams states in his diary, President Monroe showed him the letters from Jefferson and Madison. "Calhoun," says Adams, "is perfectly moonstruck by the surrender of Cadiz, and says the Holy Allies, with ten thousand men, will restore all Mexico and all South America to Spanish dominion."

At a Cabinet meeting on the 15th of November Mr. Adams expressed himself thus: "Considering the South Americans as independent nations, they themselves, and no other nation, had the *right* to dispose of their condition. *We* have no right to dispose of them, either alone or in conjunction with other nations. Neither have any other nations the right of disposing of them without their consent. This principle will give us a clew to answer all Mr. Canning's questions with candor and confidence."

At one time President Monroe seemed to be inclined to Calhoun's idea of giving Rush discretionary powers, but Adams was "utterly averse to this." From time to time the nature of the contents of the coming message of the President to Congress formed a topic of discussion. Adams thought a stand should be taken against the interference of the Holy Alliance in American affairs. Wirt intimated that the people would not support the Government in a war for the independence of South America. Calhoun thought otherwise; he believed the Holy Alliance "had an ultimate eye to us; that they would, if not resisted, subdue South America. . . . Violent parties would arise in this country, one for and one against them, and we should have to fight upon our own shores for our own institutions." Adams did not believe that the Holy Alliance had any intention of ultimately attacking the United States; but, if they should subdue the Spanish provinces, they might recolonize them and partition them out among themselves. Russia might take California, Peru, and Chile; France, Mexico, where she had been intriguing to get a monarchy under a prince of the house of Bourbon, as well as at Buenos Ayres, and Great Britain, if she could not resist this course of things, would take at least the island of Cuba as her share of the scramble. Then what would be the situation of the United States—England holding Cuba and France, Mexico? On the other hand, if the allies should interpose and Great Britain successfully oppose them alone, it would throw the colonies completely into her arms and make them her colonies rather than those of Spain. The United States must, therefore, declared Adams, act promptly and decisively. But the act of the Executive could not after all commit the nation to a pledge of war. This was not contemplated by Canning's proposals. As Great Britain would not be pledged, by what Canning had proposed, to war, "so would anything now done by the Executive here leave Congress free hereafter to act or not, according as the circumstances of the emergency may require."

On the 25th of November Adams prepared a draft of observations upon the communications lately made by Baron Tuyll. The draft was discussed and amended, and under date of the 27th of November was read to Baron Tuyll. It contained a full exposition of the policy of the United States and concluded with the declaration, "That the United States of America, and their Government, could not see with indifference, the forcible interposition of any European power, other than Spain, either to restore the dominion of Spain over her emancipated colonies in America, or to establish monarchical governments in those countries, or to transfer any of the possessions heretofore or yet subject to Spain in the American hemisphere, to any other European power."[3]

[3] *Ibid.*, pp. 399–401.

MONROE'S MESSAGE TO CONGRESS

As a result of this Cabinet discussion President Monroe, in his annual message of December 2, 1823, made the following declarations embodied in paragraphs 7, 48, and 49. These paragraphs read in full as follows:

At the proposal of the Russian Imperial Government, made through the minister of the Emperor residing here, a full power and instructions have been transmitted to the minister of the United States at St. Petersburg, to arrange, by amicable negotiation, the respective rights and interests of the two nations on the northwest coast of this continent. A similar proposal has been made by his Imperial Majesty to the Government of Great Britain, which has likewise been acceded to. The Government of the United States has been desirous, by this friendly proceeding, of manifesting the great value which they have invariably attached to the friendship of the Emperor, and their solicitude to cultivate the best understanding with his Government. In the discussions to which this interest has given rise, and in the arrangements by which they may terminate, the occasion has been judged proper for asserting as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.

. . . . .

It was stated at the commencement of the last session that a great effort was then making in Spain and Portugal to improve the condition of the people of those countries, and that it appeared to be conducted with extraordinary moderation. It need scarcely be remarked that the result has been, so far, very different from what was then anticipated. Of events in that quarter of the globe with which we have so much intercourse, and from which we derive our origin, we have always been anxious and interested spectators. The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow-men on that side of the Atlantic. In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are, of necessity, more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective Governments. And to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor, and to the amicable relations existing between the United States and those powers, to declare that we should consider any attempt on their part to extend their system to any

portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition toward the United States. In the war between these new governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered and shall continue to adhere, provided no change shall occur which, in the judgment of the competent authorities of this Government, shall make a corresponding change on the part of the United States indispensable to their security.

The late events in Spain and Portugal show that Europe is still unsettled. Of this important fact no stronger proof can be adduced than that the allied powers should have thought it proper, on any principle satisfactory to themselves, to have interposed, by force, in the internal concerns of Spain. To what extent such interposition may be carried, on the same principle, is a question in which all independent powers whose governments differ from theirs are interested, even those most remote, and surely none more so than the United States. Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers; to consider the government de facto as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy, meeting, in all instances, the just claims of every power, submitting to injuries from none. But in regard to these continents, circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can anyone believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference. If we look to the comparative strength and resources of Spain and those new governments, and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course.[1]

The essential elements involved in these discussions have already been set out at the beginning of this memorandum.

[1] Moore, *International Law Digest*, vol. VI, pp. 401–403.

CONTEMPORANEOUS DISCUSSIONS AND INTERPRETATIONS OF THE DOCTRINE

There were a number of contemporaneous observations and interpretations of the Monroe Doctrine. There is hereafter set out the terms of the joint resolution offered by Mr. Clay to the House of Representatives on January 20, 1824:

> . . . That the people of these States would not see, without serious inquietude, any forcible interposition by the Allied Powers of Europe in behalf of Spain, to reduce to their former subjection those parts of the continent of America which have proclaimed and established for themselves, respectively, independent Governments, and which have been solemnly recognised by the United States.[1]

On December 26, 1825, President Adams sent to the Senate a special message with reference to nominating certain named gentlemen to represent the United States at the congress of American nations to be assembled at Panama. In this message President Adams stated:

> . . . It will be seen that the United States neither intend nor are expected to take part in any deliberations of a belligerent character; that the motive of their attendance is neither to contract alliances nor to engage in any undertaking or project importing hostility to any other nation.[2]

The message then dealt with the difficulties which sometimes were involved in intercourse between the United States and South American nations because of the "mutual concessions of exclusive favor" (granted as among themselves), "to which neither European powers nor the United States should be admitted," but which were said in most cases to yield "to friendly expostulation and remonstrance." The message stated that:

> The consentaneous adoption of principles of maritime neutrality, and favorable to the navigation of peace, and commerce in time of war, will also form a subject of consideration to this Congress. The doctrine that free ships make free goods and the restrictions of reason upon the extent of blockades may be established by general agreement with far more ease, and perhaps with less danger, by the general engagement to adhere to them concerted at such a meeting, than by partial treaties or conventions with each of the nations separately. An agreement between all the parties represented at the meeting that each will guard by its own means against the establishment of any future European colony within its border may be found advisable. This was more than two years since announced by my predecessor to the world as a principle resulting

[1] *Annals of Congress*, 18th Cong., 1 sess., vol. I, col. 1104.

[2] Richardson's *Messages and Papers of the Presidents*, vol. II, p. 318.

from the emancipation of both the American continents. It may be so developed to the new southern nations that they will all feel it as an essential appendage to their independence.[3]

On March 15, 1826, President Adams sent a message to the House of Representatives regarding the proposed conference at Panama. In the course of that message he said:

The late President of the United States, in his message to Congress of the 2d December, 1823, while announcing the negotiation then pending with Russia, relating to the northwest coast of this continent, observed that the occasion of the discussions to which that incident had given rise had been taken for asserting as a principle in which the rights and interests of the United States were involved that the American continents, by the free and independent condition which they had assumed and maintained, were thenceforward not to be considered as subjects for future colonization by any European power. The principle had first been assumed in that negotiation with Russia. It rested upon a course of reasoning equally simple and conclusive. With the exception of the existing European colonies, which it was in nowise intended to disturb, the two continents consisted of several sovereign and independent nations, whose territories covered their whole surface. By this their independent condition the United States enjoyed the right of commercial intercourse with every part of their possessions. To attempt the establishment of a colony in those possessions would be to usurp to the exclusion of others a commercial intercourse which was the common possession of all. It could not be done without encroaching upon existing rights of the United States. The Government of Russia has never disputed these positions nor manifested the slightest dissatisfaction at their having been taken. Most of the new American Republics have declared their entire assent to them, and they now propose, among the subjects of consultation at Panama, to take into consideration the means of making effectual the assertion of that principle, as well as the means of resisting interference from abroad with the domestic concerns of the American Governments.

In alluding to these means it would obviously be premature at this time to anticipate that which is offered merely as matter for consultation, or to pronounce upon those measures which have been or may be suggested. The purpose of this Government is to concur in none which would import hostility to Europe or justly excite resentment in any of her States. Should it be deemed advisable to contract any conventional engagement on this topic, our views would extend no further than to a mutual pledge of the parties to the compact to maintain the principle in application to its own territory, and to permit no colonial lodgments or establishment of European jurisdiction upon its own soil; and with respect to the obtrusive interference from abroad—if its future character may be inferred from that which has been and perhaps still is exercised in more than one of the new States—a joint declaration of its character and exposure of it to the world may be probably all that the occasion would require. Whether the United States should or should not be parties to such a declaration may justly form a part of the deliberation. That there is an evil to be remedied needs little insight into the secret history of late years to know, and that this remedy may best be concerted at the Panama meeting deserves at least the experiment of consideration.[4]

[3] *Ibid.*, p. 319.

[4] *Ibid.*, pp. 334–335.

In the instructions issued by Secretary Clay to Mr. Poinsett, appointed Envoy Extraordinary and Minister Plenipotentiary of the United States to Mexico, the following paragraphs occur:

You will bring to the notice of the Mexican Government, the Message of the late President of The United States to their Congress, on the 2d December, 1823, asserting certain important Principles of Inter-continental Law, in the relations of Europe and America. The first Principle asserted in that Message is, that the American Continents are not henceforth to be considered as subjects for future Colonization by any European Powers. In the maintenance of that Principle, all the Independent Governments of America have an interest, but that of The United States has, probably, the least. Whatever foundation may have existed three centuries ago, or even at a later period, when all this Continent was under European subjection, for the establishment of a rule, founded on priority of discovery and occupation, for apportioning among the Powers of Europe parts of this Continent, none can be now admitted as applicable to its present condition. There is no disposition to disturb the Colonial Possessions, as they may now exist, of any of the European Powers; but it is against the establishment of new European Colonies, upon this Continent, that the Principle is directed. The Countries in which any such new Establishments might be attempted, are now open to the enterprize and commerce of all Americans; and the justice or propriety cannot be recognized, of arbitrarily limiting and circumscribing that enterprize and commerce, by the act of voluntarily planting a new Colony, without the consent of America, under the auspices of Foreign Powers belonging to another and a distant Continent. Europe would be indignant at any American attempt to plant a Colony on any part of her Shores, and her justice must perceive, in the rule contended for, only perfect reciprocity.

The other Principle asserted in the Message, is, that whilst we do not desire to interfere in Europe, with the Political System of the Allied Powers, we should regard, as dangerous to our peace and safety, any attempt, on their part, to extend their System to any portion of this Hemisphere. The Political Systems of the two Continents are essentially different; each has an exclusive right to judge for itself, what is best suited to its own condition, and most likely to promote its happiness; but neither has a right to enforce upon the other the establishment of its peculiar System. This Principle was declared in the face of the World, at a moment when there was reason to apprehend that the Allied Powers were entertaining designs inimical to the Freedom, if not the Independence, of the New Governments. There is ground for believing, that the Declaration of it had considerable effect in preventing the maturity, if not in producing the abandonment, of all such designs. Both Principles were laid down, after much and anxious deliberation, on the part of the late Administration. The President, who then formed a part of it, continues entirely to coincide in both. And you will urge upon the Government of Mexico the utility and expediency of asserting the same Principles, on all proper occasions.[5]

This proposal by President Adams called forth a considerable debate in Congress concerning the power of the Federal Executive and the Monroe Doctrine.

Mr. Poinsett in a letter dated September 28, 1825, had detailed a conversation which he had had with the Mexican Minister for For-

[5] *British and Foreign State Papers*, vol. XIII, pp. 487–488.

eign Affairs. Mr. Poinsett stated that, replying to a statement of the Minister that the United States could not claim to be placed upon perfect equality with the Spanish Republics, he had rejoined:

> . . . To these observations I replied, that against the power of Spain they [the South American Republics] have given sufficient proof that they required no assistance, and The United States had pledged themselves not to permit any other Power to interfere either with their Independence or form of Government; and that, as in the event of such an attempt being made by the Powers of Europe, we would be compelled to take the most active and efficient part, and to bear the brunt of the Contest, it was not just that we should be placed on a less favourable footing than the other Republicks of America, whose existence we were ready to support at such hazards.[6]

On November 9, 1825, Mr. Clay instructed Mr. Poinsett that:

> No longer than about three months ago, when an invasion by France of the Island of Cuba was believed at Mexico, the United Mexican Government promptly called upon the Government of the United States, through you, to fulfil the *memorable pledge* of the President of the United States, in his message to Congress, of December, 1823.[7]

These statements characterizing the Monroe Doctrine as a pledge particularly drew the attention of Congress.

Mr. Webster, in response to Congressman Wright's observations concerning Mr. Poinsett's letter, stated on March 27, 1826:

> As to the declaration of the President, in 1823, the circumstances which led, probably, to that declaration, had been stated, in general, by an honorable member from Kentucky. The proceedings of the Allied Powers, at Troppau, Laybach, and Verona, were well remembered; and, in the course of the very year then expiring, the King of Spain had been established on his throne by the army of France. This army had marched into Spain, with the consent of the other Powers of Europe, except England. It had accomplished its objects Ferdinand had been reinstated, by foreign force, in all his prerogatives. Under these circumstances, the question was, how is it likely the Allied Powers will act towards the former Spanish Colonies in America. Having succeeded in establishing such a government as suited them in Spain, herself, would they not, or might they not, be willing to go farther, and to assist the Spanish Monarch in re-conquering his rebellious Provinces? It was possible they might do this—perhaps it was not very improbable. At this juncture, the President's declaration was made. It was wrapped up, he would not say in mysticism, but certainly in phrases sufficiently cautious. The amount of it was, that this Government could not look with indifference on any combination among other Powers, to assist Spain in her war against the South American States: that we could not but consider any such combination as dangerous or unfriendly to us: and that, if it should be formed, it would be for the competent authorities of this Government to decide, when the case arose, what course our duty and our interest should require us to pursue.
>
> This was the substance of the declaration. He believed he might be, perhaps, the only member who, at that time, suggested, that this declaration, with all restrictions, was necessary to preserve our neutrality. It must, of course,

[6] *Ibid.*, p. 420.

[7] *Congressional Debates*, vol. II, pt. 2 (1826), pp. 2034–2035 (note).

happen, in every Government, that the Executive should undertake to speak, towards foreign nations, of the wishes and objects of the Government. It cannot be otherwise. But this it does on its responsibility. General Washington proclaimed neutrality at the breaking out of the great European wars. But it was competent to the two Houses to present him a law, the next day, declaring war. The intercourse of nations could hardly go on, and one great end of an Executive would be defeated, if it could not venture, on proper occasions, to express the views and wishes of the Government. It is responsible for this, as for its other acts.

Now he (Mr. W.) had no question but that Mr. Poinsett was referring, merely, to this declaration. He did not speak of any pledge as given by him, or through him. He gave no present pledge, or assurance of any kind. He was, evidently, speaking of something precedent—something notorious; and that something was the declaration of 1823. Now, making allowance for incorrectness of expression, he saw nothing wrong. If he called anything by a wrong name—if he called that a pledge which was no pledge—still it does not appear that he deceived them, or meant to deceive them with whom he dealt.[8]

On March 29, 1826, Secretary Clay, reporting to the House of Representatives certain correspondence between the Department and Mr. Poinsett, our Minister to Mexico, stated:

. . . That The United States have contracted no Engagement, nor made any Pledge to the Governments of Mexico and South America, or to either of them, that The United States would not permit the interference of any Foreign Powers, with the Independence or form of Government of those Nations; nor have any Instructions been issued, authorizing any such Engagement or Pledge. It will be seen that the Message of the late President of The United States of the 2d December, 1823, is adverted to in the Extracts now furnished from the Instructions to Mr. Poinsett, and that he is directed to impress its principles upon the Government of The United Mexican States.

All apprehensions of the danger, to which Mr. Monroe alludes, of an interference, by the Allied Powers of Europe, to introduce their Political Systems into this Hemisphere, have ceased. If, indeed, an attempt by force had been made, by Allied Europe, to subvert the Liberties of the Southern Nations on this Continent, and to erect, upon the ruins of their Free Institutions, Monarchical Systems, the People of The United States would have stood pledged, in the opinion of their Executive, not to any Foreign State, but to themselves and to their posterity, by their dearest interests, and highest duties, to resist, to the utmost, such attempt; and it is to a Pledge of that character that Mr. Poinsett alone refers.[9]

In his speech of April 14, 1826 (which dealt with the mission to Panama, the appropriation to be made to defray the expenses thereof, the right of Congress to specify the powers of the commission, and with the Monroe Doctrine), Mr. Webster, after setting out the course of events in Europe which preceded the declaration, said:

It has been said, in the course of this debate, to have been a loose and vague declaration. It was, I believe, sufficiently studied. I have understood, from good authority, that it was considered, weighed, and distinctly and decidedly

[8] *Congressional Debates*, vol. II, pt. 2 (1826), p. 1807.
[9] *British and Foreign State Papers*, vol. XIII, pp. 484–485.

approved by every one of the President's advisers, at that time. Our Government could not adopt, on that occasion, precisely the course which England had taken. England threatened the immediate recognition of the Provinces, if the allies should take part with Spain against them. We had already recognized them. It remained, therefore, only for our Government to say, how we should consider a combination of the Allied Powers to affect objects in America, as affecting ourselves; and the message was intended to say, what it does say, that we should regard such combination as dangerous to us. Sir, I agree with those who maintain the proposition, and I contend against those who deny it, that the message did mean something; that it meant much; and I maintain, against both, that the declaration effected much good, answered the end designed by it, did great honor to the foresight and spirit of the Government, and that it cannot now be taken back, retracted, or annulled, without disgrace. It met, Sir, with the entire concurrence, and the hearty approbation of the country. The tone which it uttered found a corresponding response in the breasts of the free People of the United States. That People saw, and they rejoiced to see, that, on a fit occasion, our weight had been thrown into the right scale, and that, without departing from our duty, we had done something useful, and something effectual, for the cause of civil liberty. One general glow of exultation—one universal feeling of the gratified love of liberty—one conscious and proud perception of the consideration which the country possessed of the respect and honor which belonged to it—pervaded all bosoms. Possibly the public enthusiasm went too far; it certainly did go far.

But, Sir, the sentiment which this declaration inspired was not confined to ourselves. Its force was felt every where, by all those who could understand its object and foresee its effect. In that very House of Commons, of which the gentleman from South Carolina has spoken with such commendation, how was it there received? Not only, Sir, with approbation, but, I may say, with no little enthusiasm. While the leading Minister expressed his entire concurrence in the sentiments and opinions of the American President, his distinguished competitor in that popular body, less restrained by official decorum, more at liberty to give utterance to the feelings of the occasion, declared, that no event had ever created greater joy, exultation, and gratitude, among all the freemen in Europe; that he felt pride in being connected, by blood and language, with the People of the United States; that the policy disclosed by the message became a great, a free, and an independent nation; and that he hoped his own country would be prevented by no mean pride, or paltry jealousy, from following so noble and glorious an example.

It is, doubtless, true, as I took occasion to observe the other day, that this declaration must be considered as founded on our rights, and to spring mainly from a regard to their preservation. It did not commit us, at all events, to take up arms, on any indication of hostile feeling by the Powers of Europe towards South America. If, for example, all the States of Europe had refused to trade with South America, until her States should return to their former allegiance, that would have furnished no cause of interference to us. Or, if an armament had been furnished by the allies to act against Provinces the most remote from us, as Chile or Buenos Ayres, the distance of the scene of action diminishing our apprehension of danger, and diminishing, also, our means of effectual interposition, might still have left us to content ourselves with remonstrance. But a very different case would have arisen, if an army, equipped and maintained by these Powers, had been landed on the shores of the Gulf of Mexico, and commenced the war in our own immediate neighborhood. Such an event might justly be regarded as dangerous to ourselves, and, on that ground, to have called

for decided and immediate interference by us. The sentiments and the policy announced by the declaration, thus understood, were, therefore, in strict conformity to our duties and our interest.

Sir, I look on the message of December, 1823, as forming a bright page in our history. I will neither help to erase it, or tear it out; nor shall it be, by any act of mine, blurred or blotted. It did honor to the sagacity of the Government, and will not diminish that honor. It elevated the hopes, and gratified the patriotism of the People. Over these hopes I will not bring a mildew; nor will I put that gratified patriotism to shame.[10]

Regarding the statement made by Mr. Webster as to the reception of the announcement of the Doctrine in England, Dana in his note 36 to Wheaton makes the following statement:

This message of President Monroe reached England while the correspondence between Mr. Canning and the Prince Polignac was in progress; and it was received not only with satisfaction, but with enthusiasm. Mr. Brougham said: "The question with regard to Spanish America is now, I believe, disposed of, or nearly so; for an event has recently happened than which none has ever dispersed greater joy, exultation, and gratitude over all the free men of Europe; that event, which is decisive on the subject, is the language held with respect to Spanish America in the message of the President of the United States." Sir James Mackintosh said: "This coincidence of the two great English commonwealths (for so I delight to call them; and I heartily pray that they may be forever united in the cause of justice and liberty) cannot be contemplated without the utmost pleasure by every enlightened citizen of the earth." This attitude of the American government gave a decisive support to that of Great Britain, and effectually put an end to the designs of the absolutist powers of the continent to interfere with the affairs of Spanish America. Those dynasties had no disposition to hazard a war with such a power, moral and material, as Great Britain and the United States would have presented, when united in the defence of independent constitutional governments.[11]

So far as the action of the House of Representatives itself is concerned, it appears that the committee of the House, to whom was referred the President's message in relation to the mission to Panama, made a report on April 4, 1826, which concluded in the following language:

Resolved, That, in the opinion of the House, it is expedient to appropriate the funds necessary to enable the President of the United States to send Ministers to the Congress of Panama.[12]

To this resolution Mr. McLane of Delaware proposed the following amendment:

It being understood as the opinion of this House, that, as it has always been the settled policy of this Government, in extending our commercial relations with foreign nations, to have with them as little political connection as possible; to preserve peace, commerce, and friendship, with all nations, and to

[10] *Congressional Debates*, vol. II, pt. 2 (1826), pp. 2268–2270.
[11] Wheaton's *Elements of International Law*, 8th ed. (Dana), p. 109.
[12] *Congressional Debates*, vol. II, pt. 2 (1826), p. 2009.

form entangling alliances with none; the Ministers who may be sent shall attend at the said Congress in a diplomatic character merely; and ought not be authorized to discuss, consider, or consult, upon any proposition of alliance, offensive or defensive, between this country and any of the South American Governments, or any stipulation, compact, or declaration, binding the United States in any way, or to any extent, to resist interference from abroad with the domestic concerns of the aforesaid Governments, or any measure which shall commit the present or future neutral rights or duties of these United States, either as may regard European nations, or between the several States of Mexico and South America.[13]

This resolution was debated at great length, much of the debate turning upon the question of the power of Congress to instruct the Executive in the matter of negotiations between the United States and foreign countries. On the same day that this resolution was offered (April 4, 1826), Mr. Forsyth gave notice of an amendment which he would present in case the amendment of Mr. McLane should not prevail.

It was in the course of this debate that Mr. Webster made the observations already quoted above.

On April 5, 1826, Mr. Rives of Virginia—

> . . . moved to amend Mr. McLane's amendment by inserting the following after the words "aforesaid Governments," where those words occur:
>
> Or any compact or engagement by which the United States shall be *pledged* to the Spanish-American States to maintain, by force, the principle that no part of the American continents is henceforward subject to colonization by any European power.[14]

On April 18, 1826, Mr. Buchanan proposed as a modification to the amendment proposed by Mr. McLane as amended by Mr. Rives, the following:

> The House, however, in expressing this opinion, do not intend to sanction any departure from the settled policy of this Government, that, in extending our commercial relations with foreign nations, we should have with them as little political connexion as possible; and that we should preserve peace, commerce, and friendship, with all nations, and form entangling alliances with none. It is, therefore, the opinion of this House, that the Government of the United States ought not to be represented at the Congress of Panama, except in a diplomatic character, nor ought they to form any alliance, offensive or defensive, or negotiate respecting such an alliance, with all or any of the Spanish-American Republics; nor ought they to become parties with them, or either of them, to any joint declaration for the purpose of preventing the interference of any of the European Powers with their independence or form of Government, or to any compact for the purpose of preventing colonization upon the continent of America; but that the People of the United States should be left free to act, in any crisis, in such a manner as their feelings of friendship towards these Republics, and as their own honor and policy may at the time dictate.[15]

This amendment was accepted by Mr. McLane.

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[13] *Ibid.*

[14] *Ibid.*, p. 2059.

[15] *Ibid.*, p. 2369.

On April 21, 1826, this amendment (as it would seem) was submitted to vote and was adopted by 99 ayes as against 95 nays.[16]

On the motion, however, to adopt the resolution of the Committee of Foreign Affairs as amended on the motion of Mr. McLane, the resolution was rejected by a vote of 143 nays against 54 ayes.[17]

[16] *Congressional Debates*, vol. II, pt. 2 (1826), p. 2457.

[17] *Ibid.*, p. 2490.

INSTANCES WHICH MIGHT BE CONSIDERED OR HAVE BEEN CONSIDERED AS FALLING WITHIN THE PURVIEW OF THE PRINCIPLES ANNOUNCED IN THE MONROE DOCTRINE

A considerable number of situations between Latin American States and European powers have arisen which seem to fall within the principles announced by President Monroe in his message. In some of these instances the Monroe Doctrine has been specifically invoked as such; in others, and in the majority of them, the Monroe Doctrine has not been in terms mentioned although the principles of the Doctrine have either been applied or not applied as the circumstances seemed to the Federal Executive to require. The greater number of these instances are listed below by years.

1824

Colombia

President Monroe writing to Mr. Madison under date of August 2, 1824, reported a conversation with the Colombian Minister to the effect that a representative of France was expected shortly at Bogotá to discuss its independence. The Government of Bogotá had information "that the Government of France would acknowledge its independence on one condition, the establishment of monarchy, and leave the person to be placed in that station to the people of Colombia; that Bolivar would not be objected to if preferred by them."

The Colombian Minister asked, "Should the proposition be rejected and France become hostile in consequence, what part the U. States would take in that event? What aid might they expect from us?" Upon which President Monroe commented:

> . . . The subject will of course be weighed thoroughly in giving the answer. The Executive has no right to compromit the nation in any question of war, nor ought we to presume that the people of Columbia will hesitate as to the answer to be given to any proposition which touches so vitally their liberties.[1]

1825

Cuba and Porto Rico

The war between Spain and her revolted colonies was still waging. It was threatening to invade the islands of Cuba and Porto Rico.

[1] Moore, *International Law Digest*, vol. VI, p. 446.

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Secretary Clay, writing to Mr. Everett, our Minister to Spain, on April 27, 1825, stated:

. . . And of all the European Powers, this country prefers that Cuba and Porto Rico should remain dependent on Spain. If the war should continue between Spain and the new Republics, and those Islands should become the object and the theatre of it, their fortunes have such a connexion with the prosperity of the United States that they could not be indifferent spectators; and the possible contingencies of such a protracted war might bring upon the Government of the United States duties and obligations, the performance of which, however painful it should be, they might not be at liberty to decline.[2]

Colombia and Mexico

In December of 1825, Secretary Clay addressed a note to the Ministers of Mexico and Colombia requesting them not to fit out expeditions against the islands of Cuba and Porto Rico until the sense of the congress of Panama might be known on the subject. The Colombian Government promised to give heed to the request and it was understood the Mexican Government did not regard the matter favorably.[3]

Neutralization of Cuba

In August of 1825, Great Britain proposed that the United States, Great Britain, and France should adopt one of three courses providing for the neutralization of Cuba. This suggestion was not acceptable to the United States which did not regard the proposal as necessary for itself since its policy was a pacific one, though Secretary Clay, writing to Mr. King, our Minister to England, on October 17, 1825, stated:

. . . With the view, therefore, of binding France, by some solemn and authentic act, to the same course of forbearance which the United States and Great Britain have mutually prescribed to themselves, the President sees no great objection, at present, to acceding to one, or other, of the two alternatives contained in Mr. Cannings proposal. As information, however, is shortly expected from Russia, as to the manner in which the Emperor has received the invitation to employ his friendly offices to bring about a peace, no instruction will now be given you, as to the definitive answer to be communicated to the British Government. In the meantime, you are authorized to disclose to it the sentiments and views contained in this dispatch.[4]

On September 8, 1825, Canning advised King that the French Government had substantially changed its language and formally declined to accede to the proposal which it had induced Great Britain to make regarding the neutralization of Cuba.

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[2] MS., Instructions to United States Ministers, vol. x, p. 304.
[3] Moore, *International Law Digest*, vol. VI, p. 447.
[4] MS., Instructions to United States Ministers, vol. x, p. 401.

Brazil

On January 28 and again on April 6, 1825, the Brazilian Chargé d'Affaires proposed upon behalf of his Government,

(1) that the United States should enter into an alliance with Brazil to maintain its independence, if Portugal should be assisted by any foreign power to reestablish her former sway, and (2) that an alliance might be formed to expel the arms of Portugal from any part of the Brazilian territory of which they might happen to take possession.[5]

To this suggestion Mr. Clay, on April 13, 1825, replied by stating that while the President adhered to the principles announced by his predecessor, President Monroe, on December 2, 1823, yet the apparent nearness of peace between Brazil and Portugal would seem to make unnecessary the suggestion made as number one, as also the alliance proposed as number two. Mr. Clay stated that the suggested treaty would be contrary to the policy which the United States had pursued—

. . . that whilst the war is confined to the parent Country and its former Colony, the United States remain neutral, extending their friendship and doing equal justice to both parties.[6]

1827

Cuba

On December 10, 1827, Mr. Everett, our Minister to Spain, made for the Spanish Secretary of State a confidential memorandum, in which among other things it was stated:

His Catholic Majesty can not of course be ignorant, of the movements commenced a few months ago by the British Ministry, in conjunction with the Spanish refugees in London, and now in a course of execution, for the purpose of revolutionizing the Island of Cuba and the Canaries.[7]

Mr. Moore states that Mr. Everett added "that the United States would not consent to Cuba passing to any third power."[7]

1828

Argentine Republic

A war was carrying on between the Argentine Republic and the Emperor of Brazil. The Argentine Republic made inquiry as to the scope of the Monroe Doctrine as declared by President Monroe. Mr. Clay stated as to the existing belligerency between the two powers that the situation could not be conceived—

. . . as presenting a state of things bearing the remotest analogy to the case which President Monroe's message deprecates. It is a war strictly Ameri-

[5] Moore, *ibid.*, p. 437.
[6] MS., Notes to Foreign Legations, vol. III, p. 213.
[7] Moore, *ibid.*, p. 448.

can in its origin and its object. It is a war in which the Allies of Europe have taken no part. Even if Portugal and the Brazils had remained united, and the war had been carried on by their joint arms, against the Argentine Republic, that would have been far from presenting the case which the message contemplated.[8]

1829

Cuba

Secretary Van Buren instructing Mr. Van Ness, our Minister to Spain on October 2, 1829, set out the views of the United States upon Cuba and its relationship to this country in this language:

The Government of the United States has always looked with the deepest interest upon the fate of those islands, but particularly of Cuba. Its geographical position which places it almost in sight of our southern shores, and, as it were, gives it the command of the Gulf of Mexico, and the West Indian seas, its safe and capacious harbors, its rich productions, the exchange of which for our surplus agricultural products and manufactures, constitutes one of the most extensive and valuable branches of our foreign trade, render it of the utmost importance to the United States that no change should take place in its condition which might injuriously affect our political and commercial standing in that quarter. Other considerations connected with a certain class of our population, make it the interest of the southern section of the Union that no attempt should be made in that island to throw off the yoke of Spanish dependence, the first effect of which would be the sudden emancipation of a numerous slave population whose result could not but be very sensibly felt upon the adjacent shores of the United States.

On the other hand, the wisdom which induced the Spanish Government to relax in its colonial system, and to adopt with regard to those Islands, a more liberal policy which opened their ports to general commerce, has been so far satisfactory in the view of the United States, as in addition to other considerations, to induce this Government to desire that their possession should not be transferred from the Spanish Crown to any other power.[9]

1830

Cuba

Instructing Mr. Van Ness on October 13, 1830, with reference to the information which had come to the United States that if Spain should continue in her attempts to reconquer the Spanish colonies which had declared and maintained their independence that then those colonies would "feel it to be their duty as well as their interest to attack her colonial possessions in our vicinity—Cuba and Porto Rico," Secretary Van Buren referred to his general instructions to Van Ness and added:

. . . They inform you that we are content that Cuba should remain as it now is, but could not consent to its transfer to any European power. Motives

[8] MS., Instructions to United States Ministers, vol. XII, pp. 51–52.
[9] *Ibid.*, vol. XIII, pp. 23–24.

of reasonable state policy render it more desirable to us that it should remain subject to Spain rather than to either of the South American States. Those motives will readily present themselves to your mind. They are principally founded upon an apprehension that, if possessed by the latter, it would, in the present state of things be in greater danger of becoming subject to some European Power than in its present condition. Although such are our own wishes and true interests the President does not see on what ground he would be justified in interfering with any attempts which the South American States might think it for their interest in the prosecution of a defensive war to make upon the Islands in question. If, indeed, an attempt should be made to disturb them by putting arms in the hands of one portion of their population to destroy another, and which, in its influence, would endanger the peace of a portion of the United States, the case might be different. Against such an attempt the United States, (being informed that it was in contemplation), have already protested, and warmly remonstrated in their communications, last summer, with the Government of Mexico. But the information lately communicated to us, in this regard, was accompanied by a solemn assurance that no such measures will, in any event, be resorted to; and that the contest, if forced upon them, will be carried on, on their part, with strict reference to the established rules of civilized warfare.[10]

1835

Bay of Honduras

The Government of the United States came into possession of information that Great Britain and Spain had begun very early to make encroachments upon the land surrounding their holdings and that this operation had become so pronounced in Central America that its Government had become alarmed and had appointed a commissioner to proceed to Great Britain for the purpose of remonstrating. It also appeared that the British occupants of the territory had likewise despatched a representative to London to ask that the encroachments be declared a colony of Great Britain with limits coextensive with the encroachment. Our information also indicated that this agent had also been instructed to go to Madrid to attempt to arrange matters with the Spanish Government. Secretary Forsyth instructed Mr. Barry, our Minister to Spain, as follows (June 30, 1835):

. . . The Government of Central America has asked the intermediation of the United States in the negotiation which is about to be set on foot with the Court of St. James. . . . It is expected that you will keep an eye upon the movements of the agent above mentioned in Madrid, and that you will use all prudent means to prevent the conclusion of any arrangement on the subject, as being incompatible with the rights of the Republic of Central America, and injurious to the commercial interests of the whole world, including those of Spain herself.[11]

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[10] *Ibid.*, pp. 187–188.

[11] MS., Instructions, Spain, vol. XIV, p. 72; Moore, *International Law Digest*, vol. VI, p. 442.

1840

Cuba

Secretary Forsyth, instructing Mr. Vail, our Minister to Spain on July 15, 1840, said:

> . . . Should you have reason to suspect any design on the part of Spain to transfer voluntarily her title to the island [Cuba], whether of ownership or possession, and whether permanent or temporary, to Great Britain, or any other power, you will distinctly state that the U. States will prevent it, at all hazard, as they will any foreign military occupation for any pretext whatsoever—and you are authorised to assure the Spanish Government that in case of any attempt from whatever quarter, to wrest from her this portion of her territory, she may securely depend upon the military and naval resources of the U. States to aid her in preserving or recovering it.[12]

1843

Cuba

Information came to this Government, and was transmitted to the American Consul in Cuba, that affairs in Cuba were in a dangerous and critical condition; that the slave trade had been carried on until 1841, the local authorities being impotent in the situation; that both the British Government and abolition societies in Great Britain were determined to bring immediate and total ruin to the island; and that they had gone so far as to offer independence to the creoles provided the latter would unite with the colored people in effecting the emancipation of the slaves. This came upon the authority of some person of alleged high standing in Cuba who also pictured that Great Britain with her 800,000 blacks in the West Indies and 600,000 blacks in Cuba, was aiming to strike at slavery in the United States. The Cuban writer expressed the opinion that the white creoles would maintain their independence even with the black population present and that the Spanish authorities would leave. The American Consul, Mr. Campbell, was instructed to investigate and report. Secretary Webster, January 14, 1843, concluded his despatch with the following observations and instructions:

> In thus communicating to you the substance of the statements of this writer, you will distinctly understand that your Government neither adopts nor rejects his speculations. It is with his statement of supposed facts that it concerns itself; and it is expected that you will examine and report upon them with scrupulous care, and with as much promptness as strict secrecy and discretion will permit; and the whole of the statements is now imparted to you, not to limit, but to guide and direct the inquiries you are called upon to make in so

[12] MS., Instructions, Spain, vol. XIV, p. 127.

delicate a matter. It is quite obvious that any attempt on the part of England to employ force in Cuba, for any purpose, would bring on a war, involving, possibly, all Europe, as well as the United States; and as she can hardly fail to see this, and probably does not desire it, there may be reason to doubt the accuracy of the information we have received, to the extent to which it proceeds. But many causes of excitement and alarm exist, and the great magnitude of the subject makes it the duty of the Government of the United States to disregard no intimations of such intended proceedings which bear the least aspect of probability.

The Spanish Government has long been in possession of the policy and wishes of this Government in regard to Cuba, which have never changed and has been repeatedly told that the United States never would permit the occupation of that island by British agents or forces upon any pretext whatsoever; and that in the event of any attempt to wrest it from her, she might securely rely upon the whole naval and military resources of this country to aid her in preserving or recovering it.[13]

1844

The annexation of Texas

Rumors having reached the Government of the United States of a protest on the part of the French and the British Governments against the proposed annexation of Texas by the United States, Secretary Calhoun instructed our Minister to France, Mr. King, under date of August 26, 1844, as follows:

. . . Such a step, had it been taken by France, must have excited unkind feelings, and given to the United States just cause of complaint. The Government of the United States will confidently rely on the assurances of Mr. Guizot; and it is hoped that, neither separately, nor jointly with any other Power, will France adopt a course which would seem so little in accordance with her true interests, or the friendly relations which have so long subsisted between the two countries. . . . In regard to Mr. Guizot's inquiry respecting a proposed guaranty of the independence of Texas, your reply was well-timed and judicious. The settled policy of the United States has been to avoid entering into such guaranties, except in cases of strong necessity. The present case offers no reasons to warrant a deviation from that policy. On the contrary it presents a strong additional reason why it should be adhered to,—as such a guaranty would permanently defeat the proposed measure of annexation which both countries seem anxious to advance. A suggestion of the same purport was made to me, by the British Minister here, Mr. Pakenham, during a casual conversation, soon after I came into office; and he was promptly informed that the Government of the United States could not accede to such a proposition.[14]

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[13] *British and Foreign State Papers*, vol. XLIV, p. 176; Moore, *International Law Digest*, vol. VI, p. 451.

[14] MS., Instructions, France, vol. XV, pp. 24–25.

1845

European discussion of a "balance of power" on American continent to check advancement of the United States

President Polk in his first annual message to Congress under date of December 2, 1845, used the following language with reference to the noncolonization principle of the Monroe Doctrine:

. . . The United States, sincerely desirous of preserving relations of good understanding with all nations, can not in silence permit any European interference on the North American continent, and should any such interference be attempted will be ready to resist it at any and all hazards.

It is well known to the American people and to all nations that this Government has never interfered with the relations subsisting between other governments. We have never made ourselves parties to their wars or their alliances; we have not sought their territories by conquest; we have not mingled with parties in their domestic struggles; and believing our own form of government to be the best, we have never attempted to propagate it by intrigues, by diplomacy, or by force. We may claim on this continent a like exemption from European interference. The nations of America are equally sovereign and independent with those of Europe. They possess the same rights, independent of all foreign interposition, to make war, to conclude peace, and to regulate their internal affairs. The people of the United States can not, therefore, view with indifference attempts of European powers to interfere with the independent action of the nations on this continent. The American system of government is entirely different from that of Europe. Jealousy among the different sovereigns of Europe, lest any one of them might become too powerful for the rest, has caused them anxiously to desire the establishment of what they term the "balance of power." It can not be permitted to have any application on the North American continent, and especially to the United States. We must ever maintain the principle that the people of this continent alone have the right to decide their own destiny. Should any portion of them, constituting an independent state, propose to unite themselves with our Confederacy, this will be a question for them and us to determine without any foreign interposition. We can never consent that European powers shall interfere to prevent such a union because it might disturb the "balance of power" which they may desire to maintain upon this continent. Near a quarter of a century ago the principle was distinctly announced to the world, in the annual message of one of my predecessors, that—

> The American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.

This principle will apply with greatly increased force should any European power attempt to establish any new colony in North America. In the existing circumstances of the world the present is deemed a proper occasion to reiterate and reaffirm the principle avowed by Mr. Monroe and to state my cordial concurrence in its wisdom and sound policy. The reassertion of this principle, especially in reference to North America, is at this day but the promulgation of a policy which no European power should cherish the disposion to resist. Existing rights of every European nation should be respected, but it is due alike to our safety and our interests that the efficient protection of our laws should be extended over our whole territorial limits, and that it

should be distinctly announced to the world as our settled policy that no future European colony or dominion shall with our consent be planted or established on any part of the North American continent.[15]

For a discussion of this view of the noncolonization principle of the Monroe Doctrine, see Mr. John Bassett Moore's elaborate analysis of the Doctrine in the *Political Science Quarterly* for March 1896.[16]

1846

La Plata (Uruguay)

Pursuant to a treaty concluded through the mediation of England, Brazil and Buenos Aires recognized in 1828 the independence of what now constitutes the present Republic of Uruguay. In 1844, Uruguay was attacked by Buenos Aires. Brazil invoked the intervention of England and France against the attack and to protect the independence of Uruguay, whereupon those countries in 1845 instituted a blockade of the coast of Buenos Aires. Secretary Buchanan, instructing Mr. Harris, our Minister to Argentina, under date of March 30, 1846, made the following comments:

The late annual message of the President to Congress has so clearly presented the great American doctrine in opposition to the interference of European Governments in the internal concerns of the nations of this continent, that it is deemed unnecessary to add another word upon this subject. That Great Britain and France have flagrantly violated this principle by their armed intervention on the La Plata is manifest to the whole world. Whilst existing circumstances render it impossible for the United States to take a part in the present war; yet the President desires that the whole moral influence of this Republic should be cast into the scale of the injured party. We cordially wish the Argentine Republic success in its struggle against foreign interference. It is for these reasons, that although the Government of the United States never did authorise your predecessor Mr. Brent to offer his mediation in the affairs of Great Britain, France and the Argentine Republic, this act has not been publicly disavowed. His example, however, is not to be followed by you without express instructions. An offer of mediation by one nation in the disputes of other nations is an act of too much importance and may involve consequences too serious to be undertaken by a diplomatic agent on his own responsibility.

Mr. Pakenham on the 7th November, last, placed in my hands the copy of a despatch from Lord Aberdeen to himself under date the 3d of October, last, with which you shall be furnished. From this it would appear that Great Britain and France in their armed intervention have no view to territorial aggrandisement on the La Plata. It will be your duty closely to watch the movements of these two Powers in that region; and should either of them in violation of this declaration attempt to make territorial acquisitions, you will immediately communicate the fact to this Government.[17]

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[15] Richardson's *Messages and Papers of the Presidents*, vol. IV, pp. 398–399.

[16] Vol. XI, pp. 1 *et seq.*

[17] MS., Instructions, Argentine Republic, vol. XV, pp. 23–25; Moore, *International Law Digest*, vol. VI, p. 422.

That portion of President Polk's message to which Mr. Buchanan refers reads as follows: (Mr. Polk had been speaking of the rival claims of Great Britain and ourselves to Oregon.) He said:

It is well known to the American people and to all nations that this Government has never interfered with the relations subsisting between other governments. We have never made ourselves parties to their wars or their alliances; we have not sought their territories by conquest; we have not mingled with parties in their domestic struggles; and believing our own form of government to be the best, we have never attempted to propagate it by intrigues, by diplomacy, or by force. We may claim on this continent a like exemption from European interference. The nations of America are equally sovereign and independent with those of Europe. They possess the same rights, independent of all foreign interposition, to make war, to conclude peace, and to regulate their internal affairs. The people of the United States can not, therefore, view with indifference attempts of European powers to interfere with the independent action of the nations on this continent. The American system of government is entirely different from that of Europe. Jealousy among the different sovereigns of Europe, lest any one of them might become too powerful for the rest, has caused them anxiously to desire the establishment of what they term the "balance of power." It can not be permitted to have any application on the North American continent. and especially to the United States. We must ever maintain the principle that the people of this continent alone have the right to decide their own destiny. Should any portion of them, constituting an independent state, propose to unite themselves with our Confederacy, this will be a question for them and us to determine without any foreign interposition. We can never consent that European powers shall interfere to prevent such a union because it might disturb the "balance of power" which they may desire to maintain upon this continent. Near a quarter of a century ago the principle was distinctly announced to the world, in the annual message of one of my predecessors, that—

> The American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.

This principle will apply with greatly increased force should any European power attempt to establish any new colony in North America. In the existing circumstances of the world the present is deemed a proper occasion to reiterate and reaffirm the principle avowed by Mr. Monroe and to state my cordial concurrence in its wisdom and sound policy. The reassertion of this principle, especially in reference to North America, is at this day but the promulgation of a policy which no European power should cherish the disposition to resist. Existing rights of every European nation should be respected, but it is due alike to our safety and our interests that the efficient protection of our laws should be extended over our whole territorial limits, and that it should be distinctly announced to the world as our settled policy that no future European colony or dominion shall with our consent be planted or established on any part of the North American continent.[17]

[17] Richardson's *Messages and Papers of the Presidents*, vol. IV, p. 398.

1848

Yucatan

A serious Indian outbreak having occurred in Yucatan, the authorities of that region offered to transfer to the United States "the dominion and sovereignty" of the country. The authorities at the same time made a like offer to Great Britain and Spain. With reference to this situation, President Polk in a special message to Congress under date of April 29, 1848, said:

> Whilst it is not my purpose to recommend the adoption of any measure with a view to the acquisition of the "dominion and sovereignty" over Yucatan, yet, according to our established policy, we could not consent to a transfer of this "dominion and sovereignty" either to Spain, Great Britain, or any other European power. In the language of President Monroe in his message of December, 1823—
>
> > We should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety.
>
> In my annual message of December, 1845, I declared that—
>
> > Near a quarter of a century ago the principle was distinctly announced to the world, in the annual message of one of my predecessors, that "the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European power." This principle will apply with greatly increased force, should any European power attempt to establish any new colony in North America. In the existing circumstances of the world, the present is deemed a proper occasion to reiterate and reaffirm the principle avowed by Mr. Monroe, and to state my cordial concurrence in its wisdom and sound policy.[18]

A few days after this message was transmitted to Congress, a bill was introduced in the Senate to enable the President "to take temporary military occupation of Yucatan" (May 4, 1848). The bill was, however, withdrawn by its proponent, Mr. Hannegan, on May 17, 1848, upon the receipt of news that the whites and the Indians had come to an understanding. It was in connection with the discussion of this bill that Mr. Calhoun voiced his well-known opinion that the Monroe Doctrine was no longer operative. In the course of rather an extended speech upon the matter, Mr. Calhoun made the following statements:

> . . . I propose to show, in the first place, that the case of Yucatan, even as stated by the President himself, does not come within the declarations of Mr. Monroe, and that they do not furnish the slightest support to the measure reported by the committee.
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> In the message referred to, that of 1823, Mr. Monroe makes three distinct declarations. The first, and by far the most important, announces that the United States would regard any attempt on the part of the Allied Powers to

[18] *Ibid.*, pp. 581–582.

extend their system to this country as dangerous to our peace and safety. To show that the case of Yucatan does not come within this declaration, all that will be necessary is, to explain who were the Allied Powers, the object of their alliance, and the circumstances in which the declaration itself was made. The Allied Powers were the four great continental monarchies—Russia, Prussia, Austria, and France. Shortly after the overthrow of Bonaparte these Powers entered into an alliance called the "Holy Alliance," the object of which was to sustain and extend the monarchical principles as far as possible, and to oppress and put down popular institutions. England, in the early stages of the alliance, favored it. The members of the Alliance held several Congresses, attended either by themselves or their ambassadors, and undertook to regulate the affairs of all Europe, and actually interfered in the affairs of Spain for the purpose of putting down popular doctrines. In its progress the Alliance turned its eyes to this continent, in order to aid Spain in regaining her sovereignty over her revolted provinces. At this stage England became alarmed. Mr. Canning was then Prime Minister. He informed Mr. Rush of the project, and gave to him at the same time the assurance, that, if sustained by the United States, Great Britain would resist. Mr. Rush immediately communicated this to our Government. It was received here with joy; for so great was the power of the Alliance, that even we did not feel ourselves safe from its interpositions. Indeed, it was anticipated, almost as a certain result, that if the interference took place with the Governments of South America, the Alliance would ultimately extend its interference to ourselves. I remember the reception of the despatch from Mr. Rush as distinctly as if all the circumstances had occurred yesterday. I well recollect the great satisfaction with which it was received by the Cabinet. It came late in the year, not long before the meeting of Congress. As was usual with Mr. Monroe upon great occasions, the papers were sent round to each member of the Cabinet, so that each might be duly apprized of all the circumstances, and be prepared to give his opinion. The Cabinet met. It deliberated. There was long and careful consultation; and the result was the declaration which I have just announced. All this has passed away. That very movement on the part of England, sustained by this declaration, gave a blow to the celebrated Alliance, from which it never recovered. From that time forward it gradually decayed, till it utterly perished. The late revolutions in Europe have put an end to all its work, and nothing remains of all that it ever did. Now, by what ingenuity of argument, by what force of sophistry can it be shown that this declaration comprehends the case of Yucatan, when the events which called it forth have passed away forever?

. . . . .

The next declaration was, that we would regard the interposition of any European Power to oppress the Governments of this continent, which we had recently recognized as independent, or to control their destiny in any manner whatever, as manifesting an unfriendly disposition towards the United States. This declaration, also, belongs to the history of that day. It grew out of the same state of circumstances, and may be considered as an appendage to the declaration to which I have just alluded. By the Governments on this continent, which we had recognized, were meant the republics which had grown up after having thrown off the yoke of Spain. They had just emerged from their protracted revolutionary struggles. They had hardly yet reached a point of solidity, and in that tender stage the Administration of Mr. Monroe thought it proper not only to make that general declaration in reference to the Holy Alliance, but to make a more specific one against the interference of any

European Power, in order to countenance and encourage these young republics as far as we could with propriety. This, like the other, belonging to the events of the time, and has passed away with them; . . .

. . . Again, suppose England should assert her sovereignty, would that bring the case within the declaration? Not at all; for the declaration is directed against interpositions to change the Government and oppress the country. But, in this case, the tender of sovereignty is voluntarily made on the part of Yucatan. The acceptance of it may be objected to, and it may be contended that we ought not to allow it. I waive that subject for the present. I assert, however, without the possibility of contradiction, that the case even then does not come within the declaration. The President himself gives strong indications that in his opinion it does not; for, although he refers to this declaration in the body of the message, he does not say a word in regard to it when he comes to make his recommendation. In that he calls upon Congress to prevent Yucatan from becoming a colony to some foreign Power. That shows on which of the three declarations he rests his recommendation. It is upon the third and last, which refers to an entirely different subject. That declaration is, that the continents of America, by the free and independent condition which they have assumed and maintained, are not henceforth to be considered as subjects of colonization by any European Power. It is upon this the President bases his recommendation. Is the case of Yucatan, then, comprehended in this declaration? I expect to show that it is not, with just as much certainty as it has been established that it does not come within the two former.

. . . But here it may be proper, in order to understand the force of my argument, to go into a history also of this declaration of Mr. Monroe. It grew out of circumstances altogether different from the other two. At that time there was a question between Great Britain and the United States on one side and Russia on the other. All three claimed settlements on the northwest portion of this continent. Great Britain and ourselves having common interest in keeping Russia as far north as possible, the former Power applied to the United States for cooperation; and it was in reference to that matter that this additional declaration was made. It was said to be a proper opportunity to make it. It had reference specially to the subject of the northwestern settlement, and the other portions of the continent were thrown in, because all the rest of it, with the exception of some settlements in Surinam, Maracaibo, and thereabout, had passed into independent hands.

. . . . .

. . . The history of the transaction, the Senator will perceive, if he examines the documents, shows distinctly that they came through Mr. Rush, originating not with Mr. Adams, but Mr. Canning, and were first presented in the form of a proposition from England. . . . It declares without qualification that these continents have asserted and maintained their freedom and independence, and are no longer subject to colonization by any European Power. This is not strictly accurate. Taken as a whole, these continents had not asserted and maintained their freedom and independence. At that period Great Britain had a larger portion of the continent in her possession than the United States. Russia had a considerable portion of it, and other Powers possessed some portions of the southern part of this continent. The declaration was broader than the fact, and exhibits precipitancy and want of due reflection. Besides, there was an impropriety in it when viewed in conjunction with the foregoing declarations. I speak not in the language of censure. We were as to them acting in concert with England, on a proposition coming from herself—a

proposition of the utmost magnitude, and which we felt at the time to be essentially connected with our peace and safety; and of course it was due to propriety as well as policy that this declaration should be strictly in accordance with British feeling. Our power then was not what it is now, and we had to rely upon her cooperation to sustain the ground we had taken. We had then only about six or seven millions of people, scattered, and without such means of communication as we now possess to bring us together in a short period of time. The declaration accordingly, with respect to colonization, striking at England as well as Russia, gave offence to her, and that to such an extent that she refused to cooperate with us in settling the Russian question. Now, I will venture to say that if that declaration had come before that cautious cabinet—for Mr. Monroe was among the wisest and most cautious men I have ever known—it would have been modified, and been expressed with a far greater degree of precision, and with much more delicacy in reference to the feelings of the British Government.

. . . . .

But it is not only in these respects that these famous declarations are misunderstood by the Chief Magistrate of the country, as well as by others. They were but declarations, nothing more; declarations, announcing in a friendly manner to the Powers of the world that we should regard certain acts of interposition of the Allied Powers as dangerous to our peace and our safety; interposition of European Powers to oppress the Republics which had just arisen upon this continent, as manifesting an unfriendly disposition; and that this continent, having become free and independent, was no longer the subject of colonization by European Powers. Not one word in any one of them in reference to resistance. There is nothing said of it; and with great propriety was it omitted. Resistance belonged to us—to Congress; it is for us to say whether we shall resist or not, and to what extent. But such is not the view taken by the present Chief Magistrate. He seems to hold these declarations as imposing a solemn duty on him as Chief Magistrate to resist on all occasions; and not only to resist, but to judge of the measure of that resistance. . . . He tells you in the same message, that these declarations have become the settled policy of this country. What! the declarations? Declarations are not policy, and cannot become settled policy. He must mean that it has become the settled policy of this country to resist what these declarations refer to; and to resist, if need be, by an appeal to arms. Is this the fact? Has there been one instance in which these declarations have been carried into effect by resistance? If there be, let it be pointed out. Have there not been innumerable instances in which they have not been applied? Certainly. Still stronger declarations, under this broad interpretation, were disavowed entirely three years afterwards by the vote of the Republican party, when the Administration of Mr. Adams endeavored to apply them by sending ministers to the Congress at Panama, as will be seen by reading the debates and the proceedings on the subject. . . .

What the President has asserted in this case is not a principle belonging to these declarations; it is a principle which, in his misconception, he attempts to ingraft upon them, but which has an entirely different meaning and tendency. The principle which lies at the bottom of his recommendation is, that when any Power on this continent becomes involved in internal warfare, and the weaker side chooses to make application to us for support, we are bound to give them support for fear the offer of the sovereignty of the country may be made to some other Power and accepted. It goes infinitely and dangerously beyond Mr. Monroe's declaration. It puts it in the power of other countries on this

continent to make us a party to all their wars; and hence I say, if this broad interpretation be given to these declarations, we shall forever be involved in wars.

But, in disavowing a principle which will compel us to resist every case of interposition of European Powers on this continent, I would not wish to be understood as defending the opposite, that we should never resist their interposition. That is a position which would be nearly as dangerous and absurd as the other. But no general rule can be laid down to guide us on such a question. Every case must speak for itself—every case must be decided on its own merits. Whether you will resist or not, and the measure of your resistance—whether it shall be by negotiation, remonstrance, or some intermediate measure, or by a resort to arms; all this must be determined and decided on the merits of the question itself. That is the only wise course. We are not to have quoted to us on every occasion general declarations to which any and every meaning may be attached. There are cases of interposition where I would resort to the hazard of war, with all its calamities. Am I asked for one? I will answer. I designate the case of Cuba. So long as Cuba remains in the hands of Spain—a friendly Power, a Power of which we have no dread—it should continue to be, as it has been, the policy of all Administrations ever since I have been connected with the Government, to let Cuba remain there; but with the fixed determination, which I hope never will be relinquished, that if Cuba pass from her, it shall not be into any other hands but ours: this, not from a feeling of ambition, not from a desire for the extension of dominion, but because that island is indispensable to the safety of the United States; or rather, because it is indispensable to the safety of the United States that this island should not be in certain hands.[19]

Venezuela

It was in the course of this same general debate, and in connection with the statement that Great Britain had encroached on Spanish Guiana that the question arose whether or not the United States should undertake to prevent such encroachment. Mr. Cass in response to some observations by Mr. Niles warning against such responsibilities, said:

. . . The honorable Senator from Connecticut [Mr. Niles] considers the reiteration of the principle by the present Executive, and perhaps its original annunciation by Mr. Monroe, as the claim of a right to regulate all the affairs of this continent, so far as respects Europeans. But this, sir, is an entire misconception of the whole subject. It has, however, prevailed somewhat extensively, both here and elsewhere, though it seems to me that the slightest consideration of the messages referred to would have corrected, or rather prevented, this flagrant error. Neither of these Presidents, the past nor the present, assumed to interfere with any existing rights of other nations upon this continent. Neither of them called in question their right to hold and improve the colonies they possessed, at their own pleasure. Such an assumption would have been equally obstrusive and ineffectual; and how the opinion could have prevailed that has been advanced, no one can tell; for, in the documents themselves, the true doctrine is cautiously guarded, and existing rights considered as unassailable.[20]

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[19] *Congressional Globe*, 30th Cong., 1st sess., app., pp. 630–632.
[20] *Ibid.*, p. 614.

Cuba

Conditions in Cuba remaining unsatisfactory, and rumors persisting of the desire of Great Britain to acquire the island, Secretary Buchanan instructing Mr. Saunders, our Minister to Spain, on June 17, 1848, wrote as follows:

> By direction of the President, I now call your attention to the present condition and future prospects of Cuba. The fate of this Island must ever be deeply interesting to the people of the United States. We are content that it shall continue to be a Colony of Spain. Whilst in her possession we have nothing to apprehend. Besides, we are bound to her by the ties of ancient friendship, and we sincerely desire to render these perpetual.
>
> But we can never consent that this Island shall become a Colony of any other European power. In the possession of Great Britain or any strong naval power, it might prove ruinous both to our domestic and foreign commerce, and even endanger the Union of the States. The highest and first duty of every independent nation is to provide for its own safety: and acting upon this principle we should be compelled to resist the acquisition of Cuba by any powerful maritime state with all the means which Providence has placed at our command.
>
> Cuba is almost within sight of the coast of Florida. Situated between that State and the Peninsula of Yucatan and possessing the deep, capacious and impregnably fortified harbor of the Havana, if this Island were under the dominion of Great Britain, she could command both the inlets to the Gulf of Mexico. She would thus be enabled in time of war effectively to blockade the mouth of the Mississippi and to deprive all the western States of this Union, as well as those within the Gulf, teeming as they are with an industrious and enterprising population, of a foreign market for their immense productions. But this is not the worst. She could, also destroy the commerce by sea between our ports on the Gulf and our Atlantic ports:—a commerce of nearly as great a value as the whole of our foreign trade.[21]

Mr. Moore notes that Mr. Saunders was informed that the United States "would pay $100,000,000 for the island, if it could not be obtained for less." [22]

Ecuador

One General Flores, at one time a President of Ecuador, had organized (during the period 1846–48) in Europe a military and naval expedition for the supposed purpose of recovering his authority in Ecuador. It was understood that this expedition had been connived at by some of the monarchical European Governments, a fact which created considerable alarm not only in Ecuador itself but in the neighboring Republics. On November 26, 1846, the Minister for Foreign Affairs of Ecuador brought the matter to the attention of this Government. General Castilla, President of Peru, also in-

[21] MS., Instructions, Spain, vol. XIV, pp. 256–257.
[22] Moore, *International Law Digest*, vol. VI, p. 452.

formally brought information to this Government. In instructing Mr. Livingston, our Minister to Ecuador, under date of May 13, 1848, regarding this situation Secretary Buchanan said:

. . . You will also assure him [General Castilla] that the intervention or dictation, direct or indirect of European governments in the affairs of the Independent States of the American Hemisphere, will never be viewed with indifference by the government of the United States. On the contrary, all the moral means, at least, without their power, shall upon every occasion be employed to discourage and arrest such interference.[23]

1849

Cuba

The situation regarding Cuba being still disturbed, Mr. Clayton, instructing Mr. Barringer (our Minister to Spain) on August 2, 1849, used the following language which is perhaps the most explicit statement of our attitude in relation to Cuba that has been made by any Secretary of State. Mr. Clayton said:

Whilst this Government is resolutely determined that the Island of Cuba, shall never be ceded by Spain to any other power than the United States, it does not desire, in future, to utter any threats, or enter into any guaranties, with Spain, on that subject. Without either guaranties or threats, we shall be ready, when the time comes, to act. The news of the cession of Cuba to any foreign power would, in the United States, be the instant signal for war. No foreign power would attempt to take it, that did not expect a hostile collision with us as an inevitable consequence.[24]

1850

Clayton-Bulwer treaty

The United States and Great Britain entered into what is known as the Clayton-Bulwer treaty for the construction of a ship canal from the Atlantic to the Pacific Oceans by way of the River San Juan de Nicaragua, and either or both of the lakes of Nicaragua or Managua. This treaty contained provisions covering the control of the canal, the occupation of territory and commercial advantages; the neutrality of the canal in case of a war; the protection of construction; mutual influence to facilitate construction; the guaranty of neutrality; the cooperation of other states; mutual encouragement to speedy construction; and protection to other communications.[25]

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[23] MS., Instructions, Ecuador, vol. I, pp. 4–5; Moore, *ibid.*, p. 473.

[24] MS., Instructions, Spain, vol. XIV, p. 298.

[25] Malloy, *Treaties, Conventions*, etc., vol. I, pp. 659 *et seq.*

1851

Cuba

On October 8, 1851, Mr. Crittenden, Acting Secretary of State, was advised by the French Chargé that France had ordered its ships of war in the West Indies "to give assistance to Spain and to prevent by force the adventurers of any nation from landing with hostile intent on the island of Cuba." A few days prior to this time the British Chargé had informed this Government that similar orders had been issued to its naval forces. Mr. Moore glosses a note from Mr. Crittenden to M. de Sartiges, the French Minister (dated October 22, 1851) as follows:

. . . the President regarded this action of the two powers as a matter of grave importance. The orders had no doubt been occasioned by the then recent unlawful expedition of less than 500 men which had evaded the vigilance of the United States and escaped from New Orleans. The expedition was landed by the Steamer *Pampero*, in Cuba, where it was soon captured, and many of its members were executed. The President did not regard this accident as a sufficient basis for the combined action of the two great European powers. Their object could hardly be accomplished without claiming a dangerous power of visit and search; but, apart from this, there was another point of view in which the intervention of France and England could not be viewed with indifference by the President. The geographical position of Cuba was such that it would become, in the hands of any European nation, an object of just jealousy and apprehension to the people of the United States. The Government of France and other European nations had long been officially apprised that the United States could not see without concern the island transferred by Spain to any other European state. Moreover, the people of the United States were "naturally jealous of European interference in American affairs." [26]

1852

Cuba

Rumors reached the Department that a treaty had been made between France, Spain, and Great Britain guaranteeing Cuba to Spain. In a letter from President Fillmore to Secretary Webster, dated October 2, 1851, President Fillmore pointed out the danger of friction which would result from an attempt upon the part of Great Britain to search any of our vessels on the high seas. Secretary Webster replying to President Fillmore under date of October 4, 1851, also reverted to this phase of the question and recalled that in General Jackson's time we had intimated to Spain that if she would not cede Cuba to any other power, we would assist her in maintaining her possession of it. Secretary Webster then observed:

. . . Mr. J. Quincy Adams often said that, if necessary, we ought to make war with England sooner than to acquiesce in her acquisition of Cuba. It is

[26] Moore, *International Law Digest*, vol. VI, p. 453.

indeed obvious enough what danger there would be to us, if a great naval power were to possess this key to the Gulf of Mexico and the Caribbean Sea.[27]

Santo Domingo

On December 17, 1852, Secretary Everett writing to Mr. Rives, then our Minister to France, informed Mr. Rives of the measures taken by France, England and the United States "to preserve the tranquillity and integrity of the Eastern portion of the Island of San Domingo." After commenting upon the power of the United States to gain a permanent foothold in San Domingo had it wished to do so, and upon our need of a naval station at Samana, he stated that it had been our rule, however, not to disturb the existing political relationships of the West Indies and added:

. . . We have felt that any attempts on the part of any one of the great maritime powers to obtain exclusive advantages in any of the Islands where such an attempt was likely to be made, would be apt to be followed by others and end in converting the Archipelago into a great Theater of national competition for exclusive advantages and territorial acquisitions which might become fatal to the peace of the world.[28]

1854

Cuba

On October 18, 1854, Messrs. James Buchanan, American Minister to Great Britain, Pierre Soulé, American Minister to Spain, and J. Young Mason, submitted to Secretary Marcy, pursuant to instructions which they had received from the President, a report dated at Aix-la-Chapelle (known as the "Ostend Manifesto") upon the situation in Cuba and particularly upon the purchase of that island by the United States from Spain. Three paragraphs of that "manifesto" may be quoted:

. . . It must be clear to every reflecting mind that, from the peculiarity of its geographical position, and the considerations attendant on it, Cuba is as necessary to the North American republic as any of its present members, and that it belongs naturally to that great family of States of which the Union is the providential nursery.

. . . . .

But if Spain, dead to the voice of her own interest, and actuated by stubborn pride and a false sense of honor, should refuse to sell Cuba to the United States, then the question will arise, What ought to be the course of the American government under such circumstances?

Self-preservation is the first law of nature, with States as well as with individuals. All nations have, at different periods, acted upon this maxim. Although it has been made the pretext for committing flagrant injustice, as in

[27] *Ibid.*, p. 459.

[28] MS., Instructions, France, vol. xv, p. 16.

the partition of Poland and other similar cases which history records, yet the principle itself, though often abused, has always been recognized.[29]

It would appear from another paragraph of the "manifesto" that Messrs. Buchanan, Mason, and Soulé had in mind as a price for the island one hundred twenty millions of dollars.

1855–1856

During the debates in Congress concerning the Clayton-Bulwer treaty, certain discussions were had regarding the Monroe Doctrine. These have been summarized by Mr. Dana in his note 36 to Wheaton (herein quoted in another place) as follows:

In the debates on the Clayton-Bulwer treaty, in 1855–56, above referred to, all the speakers seemed to agree to this position of the subject. Mr. Clayton said: "In reference to this particular territory, I would not hesitate at all, as one Senator, to assert the Monroe Doctrine and maintain it by my vote; but I do not expect to be sustained in such a vote by both branches of Congress. Whenever the attempt has been made to assert the Monroe Doctrine in either branch of Congress, it has failed. The present Democratic party came into power, after the debate on the Panama mission, on the utter abnegation of the whole doctrine, and stood upon Washington's doctrine of non-intervention. You cannot prevail on a majority, and I will venture to say that you cannot prevail on one-third, of either house of Congress to sustain it." Mr. Cass said: "Whenever the Monroe Doctrine has been urged, either one or the other house of Congress, or both houses, did not stand up to it." Mr. Seward said: "It is true that each house of Congress has declined to assert it; but the honorable senators must do each house the justice to acknowledge that the reason why they did decline to assert the doctrine was, that it was proposed, as many members thought, as an abstraction, unnecessary, not called for at the time." Mr. Mason spoke of it as having "never been sanctioned or recognized by any constitutional authority." Mr. Cass afterwards, in a very elaborate speech (of Jan. 28, 1856), gave his views of the history and character of the doctrine. He placed it upon very high ground, as a declaration not only against European intervention or future colonization, but against the acquisition of dominion on the continent by European powers, by whatever mode or however derived; and seemed to consider it as a pledge to resist such a result by force, if necessary, in any part of the continent. He says: "We ought years ago, by Congressional interposition, to have made this system of policy an American system, by a solemn declaration; and, if we had done so, we should have spared ourselves much trouble and no little mortification." Referring to Mr. Polk's message, in 1845, he said there was then an opportunity for Congress to adopt the doctrine, not as an abstraction, but on a practical point. "We refused to say a word; and, I repeat, we refused then even to take the subject into consideration." He denied the correctness of Mr. Calhoun's explanation (*vide supra*), and contended that the non-colonization clause was intended to be, and understood by England to be, a foreclosure of the whole continent against all future European dominion, however derived. It may well be said, however, and such seems now to be the prevalent opinion, that the complaints

[29] H. Ex. Doc. No. 93, 33d Cong., 2d sess., pp. 128–131.

of Mr. Cass and others of his school, of the neglect and abandonment of the Monroe Doctrine, apply rather to their construction of the doctrine than to the doctrine itself.[30]

1858

Nicaragua

It will be recalled that the Clayton-Bulwer treaty of 1850 dealt with the construction of a canal over the Nicaraguan route. It will also be recalled that that treaty contained a guaranty relating both to the use and the security of the transit route as also to its neutrality.

Secretary Cass instructing Mr. Lamar, our Minister to Central America, on July 25, 1858, with special reference to the neutrality of a transit route of approximately the location of the present Nicaraguan canal route, laid down certain observations regarding the relationship in the nature of protectorates of European States and Latin American States. Mr. Cass said:

> But the establishment of a political Protectorate by any of the Powers of Europe, over any of the Independent States of this continent, or in other words, the introduction of a scheme of policy, which would carry with it a right to interefere in their concerns, is a measure to which the United States have long since avowed their opposition, and which, should the attempt be made, they will resist by all the means in their power. The reasons for the attitude they have assumed have been fully promulgated and are every where well known. There is no need upon this occasion to recapitulate them. They are founded on the political circumstances of the American Continent which has interests of its own, and ought to have a policy of its own, disconnected from many of the questions, which are continually presenting themselves in Europe, concerning the balance of power, and other subjects of controversy, arising out of the condition of its States, and which often find their solution of their postponement in war. It is of paramount importance to the States of this Hemisphere that they should have no entangling union with the Powers of the old world, a connection which would almost necessarily make them parties to wars, having no interest for them, and which would often involve them in hostilities with the other American States contiguous or remote. The years which have passed by since this principle of separation was first announced by the United States have served still more to satisfy the people of this country of its wisdom and to fortify their resolution to maintain it, happen what may.[31]

Mexico

News having reached the United States of the fitting out of naval and military armament by Spain with the purpose of attacking Mexico, Secretary Cass instructed Mr. Dodge, our Minister to Spain under date of December 2, 1858, that any attempt by Spain "to subdue or hold possession" of Mexico "would be considered by the

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[30] Wheaton, *Elements of International Law*, 8th ed. (Dana), pp. 109–110.

[31] MS., Instructions, American States, vol. xv, pp. 333–334; Moore, *International Law Digest*, vol. vi, p. 443.

United States as an unfriendly act and would be firmly opposed by them." [32]

1859–1860

Mexico

Information coming to the Department of State of the plans which seemed maturing on the part of Great Britain and France to adopt measures of force toward Mexico, Secretary Cass on May 12, 1859, addressed to Mr. Dallas, American Minister at London, and to Mr. Faulkner, American Minister to France, on August 31, 1860, communications explaining the position of the United States with reference to these proposed movements. Secretary Cass in his letter to Mr. Faulkner declared that while the United States did not question the right to compel Mexico, by force if necessary, to deal justly with France, yet

> . . . the permanent occupation of any part of the territory of Mexico by a Foreign Power, or an attempt in any manner forcibly to interfere in its internal concerns or to control its political destiny, would give great dissatisfaction to the United States.[33]

A little later in the year Secretary Cass writing to Mr. Preston, American Minister to Spain, regarding the same subject, reported an interview with Mr. Tassara, the Spanish Minister, regarding the rumored operations of Spain against Mexico, in which Mr. Cass had said:

> . . . I told him we had important interests in that quarter, and that our Naval Commander had been ordered to afford all proper and necessary protection to American rights and interests, should these be placed in danger. I still further informed him, that the United States did not call in question the right of Spain to make war against Mexico for the redress of its grievances, and that instructions had been given to our commanding officer, that, should the Government of Spain resort to war measures against Mexico, he would, of course, not resist them. I added, at the same time, that the United States were utterly opposed to the holding possession of Mexico by any foreign Power, under any circumstances whatever, and to any forcible interference with a view to control its political destiny, and that any measures for such objects would be resisted by all the means in their power.[34]

A little later in the same month Secretary Cass instructing Mr. McLane, our then Minister to Mexico, with reference to the anticipated hostilities by the Spanish Government and the Government of Juarez, said:

> . . . While we do not deny the right of any other power to carry on hostile operations against Mexico, for the redress of its grievances, we firmly object to its holding possession of any part of that country, or endeavoring by

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[32] MS., Instructions, Spain, vol. xv, p. 197; Moore, *International Law Digest*, vol. VI, p. 480.

[33] MS., Instructions, France, vol. xv, p. 482.

[34] *Ibid.*, Spain, vol. xv, pp. 247–248.

force to control its political destiny. This opposition to foreign interference is known to France, England and Spain as well as the determination of the United States to resist any such attempt by all the means in their power. Any design to act in opposition to this policy has been heretofore disavowed by each of those Powers, and recently by the Minister of Spain, in the name of his government, in the most explicit manner.[35]

Later in his instruction Secretary Cass stated:

. . . You fear that the project will be converted into a scheme for control or acquisition by taking advantage of the weakness of the Country and by operating upon its fears, so that an extorted assent may be given to the proposition and European ascendancy thus established. I have no reason to anticipate that any such effort will be made, and have only to add that, if attempted it will be met by the armed action of the United States, should Congress adhere to the policy we have so long avowed and publicly proclaimed.[36]

In his message to Congress of December 3, 1860, President Buchanan, after stating that "our relations with Mexico remain in a most unsatisfactory condition," and after summarizing those relations, said:

The time had arrived, in my opinion, when this Government was bound to exert its power to avenge and redress the wrongs of our citizens and to afford them protection in Mexico. The interposing obstacle was that the portion of the country under the sway of Miramon could not be reached without passing over territory under the jurisdiction of the constitutional Government. Under these circumstances I deemed it my duty to recommend to Congress in my last annual message the employment of a sufficient military force to penetrate into the interior, where the Government of Miramon was to be found, with or, if need be, without the consent of the Juarez Government, though it was not doubted that this consent could be obtained. Never have I had a clearer conviction on any subject than of the justice as well as wisdom of such a policy. No other alternative was left except the entire abandonment of our fellow-citizens who had gone to Mexico under the faith of treaties to the systematic injustice, cruelty, and oppression of Miramon's Government. Besides, it is almost certain that the simple authority to employ this force would of itself have accomplished all our objects without striking a single blow. The constitutional Government would then ere this have been established at the City of Mexico, and would have been ready and willing to the extent of its ability to do us justice.

In addition—and I deem this a most important consideration—European Governments would have been deprived of all pretext to interfere in the territorial and domestic concerns of Mexico. We should thus have been relieved from the obligation of resisting, even by force should this become necessary, any attempt by these Governments to deprive our neighboring Republic of portions of her territory—a duty from which we could not shrink without abandoning the traditional and established policy of the American people. I am happy to observe that, firmly relying upon the justice and good faith of these Governments, there is no present danger that such a contingency will happen.[37]

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[35] *Ibid.*, Mexico, vol. XVII, p. 308.

[36] *Ibid.*, pp. 311–312.

[37] Richardson's *Messages and Papers of the Presidents*, vol. V, pp. 645–646.

In the paragraph which followed, President Buchanan set out that treaties had been negotiated with the constitutional government of Mexico which were intended to carry out the same purposes. He then continued:

. . . As these have not yet received the final action of that body, it would be improper for me to present a detailed statement of their provisions. Still, I may be permitted to express the opinion in advance that they are calculated to promote the agricultural, manufacturing, and commercial interests of the country and to secure our just influence with an adjoining Republic as to whose fortunes and fate we can never feel indifferent, whilst at the same time they provide for the payment of a considerable amount toward the satisfaction of the claims of our injured fellow-citizens.[38]

1861

Mexico

On October 31, 1861, England, France, and Spain entered into a treaty at London which provided for joint action among those nations to the end of occupying portions of the Mexican coast in order to enforce certain claims they were making on behalf of their citizens.

On November 30, 1861, a joint note was sent to this Government by the Spanish, French, and British Ministers enclosing the text of the convention of October 31, and inviting the United States to accede to the convention.

On December 4, 1861, Secretary Seward replied to this representation, and in the course of his note used the following language:

First. As the Undersigned has heretofore had the honor to inform each of the Plenipotentiaries now addressed, the President does not feel himself at liberty to question, and he does not question that the sovereigns represented have undoubted right to decide for themselves the fact whether they have sustained grievances, and to resort to war against Mexico for the redress thereof, and have a right also to levy the war severally or jointly.

Secondly. The United States have a deep interest which, however, they are happy to believe is an interest held by them in common with the High Contracting Powers and with all other civilized States, that neither of the sovereigns by whom the Convention has been concluded shall seek or obtain any acquisition of territory or any advantage peculiar to itself, and not equally left open to the United States and every other civilized State, within the territories of Mexico, and especially that neither one nor all of the Contracting Parties shall, as a result or consequence of the hostilities to be inaugurated under the Convention, exercise in the subsequent affairs of Mexico any influence of a character to impair the right of the Mexican people to choose and freely to constitute the form of its own Government.

. . . . .

. . . Among the reasons for this decision which the Undersigned is authorized to assign, are, first that the United States, so far as it is practicable, prefer to adhere to a traditional policy recommended to them by the Father of their Country and confirmed by a happy experience, which forbids them from making

[38] Richardson's *Messages and Papers of the Presidents*, vol. v, p. 646.

alliances with foreign nations; second, Mexico being a neighbour of the United States on this Continent, and possessing a system of government similar to our own in many of its important features, the United States habitually cherish a decided good will towards that Republic, and a lively interest in its security, prosperity and welfare. Animated by these sentiments, the United States do not feel inclined to resort to forcible remedies for their claims at the present moment, when the Government of Mexico is deeply disturbed by factions within, and exposed to war with foreign nations. And, of course, the same sentiments render them still more disinclined to allied war against Mexico, than to war to be waged against her by themselves alone.[39]

1862

Mexico

Secretary Seward in an instruction to Mr. Dayton under date of March 31, 1862, concerning the operations of the French in Mexico stated:

We have acted with moderation and with good faith towards the three powers which invited our coöperation in the combined expedition to that distracted and unhappy country. We have relied upon their disclaimers of all political designs against the Mexican Republic. But we cannot shut out from our sight the indications which, unexplained, are calculated to induce a belief that the Government of France has lent favoring attention to Mexican emissaries who proposed to subvert the Republican American system in Mexico and to import into that country a throne and even a Monarch from Europe.

You will intimate to Mr. Thouvenel that rumors of this kind have reached the President and awakened some anxiety on his part. You will say that you are not authorized to ask explanations, but that you are sure that if any can be made which will be calculated to relieve that anxiety, they will be very welcome, inasmuch as the United States desire nothing so much as to maintain a good understanding and the most cordial relations with the Government and the People of France.

It will hardly be necessary to do more in assigning you reasons for this proceeding on your part than to say that we have more than once, and with perfect distinctness and candor, informed all the parties to the alliance that we cannot look with indifference upon any armed European intervention for political ends in a country situated so near, and connected with us so closely as Mexico.[40]

An agreement having been reached between Mexico and the Governments of Great Britain and of Spain, regarding the claims of these two countries respectively, the English and Spanish forces withdrew in April 1862. Prior to this time there had been some disagreement upon the part of the British and Spanish commanders with reference to the course adopted by the French.[41]

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[39] MS., Notes to the Spanish Legation, vol. VII, pp. 244–246; Moore, *International Law Digest*, vol. VI, p. 486–487.

[40] MS., Instructions, France, vol. XVI, pp. 135–136.

[41] Moore, *ibid.*, p. 488.

On March 3, 1862, Secretary Seward instructed Mr. Adams, our Minister in London, that:

The President, however, deems it his duty to express to the Allies, in all candor and frankness, the opinion that no monarchical government which could be founded in Mexico, in the presence of foreign navies and armies in the waters, and upon the soil of Mexico, would have any prospect of security or permanence.

Secondly, that the instability of such a monarchy there, would be enhanced if the throne should be assigned to any person not of Mexican nativity. That, under such circumstances, the new government must speedily fall, unless it could draw into its support European alliances, which, relating back to the first invasion, would in fact make it the beginning of a permanent policy of armed European monarchical intervention, injurious and practically hostile to the most general system of government on the continent of America, and this would be the beginning rather than the ending of revolution in Mexico.

These views are grounded upon some knowledge of the political sentiments and habits of society in America.

In such a case, it is not to be doubted that the permanent interests and sympathies of this country would be with the other American republics. It is not intended, on this occasion, to predict the course of events which might happen as a consequence of the proceeding contemplated, either on this continent or in Europe. It is sufficient to say that, in the President's opinion, the emancipation of this continent from European control, has been the principal feature in its history during the last century. It is not probable that a revolution in a contrary direction would be successful in an immediately succeeding century, while population in America is so rapidly increasing, resources so rapidly developing, and society so steadily forming itself upon principles of Democratic American government. Nor is it necessary to suggest to the Allies the improbability that European nations could steadily agree upon a policy favorable to such a counter-revolution as one conducive to their own interests, or to suggest that, however studiously, the allies may act to avoid lending the aid of their land and naval forces to domestic revolutions in Mexico, the result would nevertheless be traceable to the presence of those forces there, although for a different purpose, since it may be deemed certain that, but for their presence there, no such revolution could probably have been attempted or even conceived.

The Senate of the United States has not indeed given its official sanction to the precise measures which the President has proposed for lending our aid to the existing government in Mexico, with the approval of the Allies, to relieve it from its present embarrassments. This however, is only a question of domestic administration. It would be very erroneous to regard such a disagreement as indicating any serious difference of opinion in this Government or among the American people, in their cordial good wishes for the safety, welfare and stability of the republican system of government in that country.[42]

1863

Mexico

Pueblo was occupied by French soldiers in May 1863. The capital city was occupied on June 7. On July 10 a junta of Mexicans, under the auspices of a French commander made the following declarations:

. . . that the Mexican nation adopted as her form of government a hereditary monarchy with a Catholic prince as a ruler; that her sovereign should have

[42] MS., Instructions, Great Britain, vol. XVIII, pp. 139–140.

the title of Emperor of Mexico; and that the Mexican Imperial crown should be offered to Archduke Maximilian of Austria.[43]

The crown having been offered to Maximilian, he accepted, and on July 12 of the following year he entered Mexico City.

Regarding the operations of France in Mexico, Secretary Seward writing to Mr. Dayton, Minister to France, under date of May 8, 1863, stated:

. . . The United States have not disclaimed, and can never under existing circumstances disclaim, the interest they feel in the safety, welfare and prosperity of Mexico, any more than they can relinquish or disown their sentiments of friendship and good will towards France, which began with their national existence, and have been cherished with growing earnestness ever since. When the two nations towards which they are thus inclined are found engaged in such a war as Mr. Drouyn de l'Huys has described, the United States can only deplore the painful occurrence, and express in every way and everywhere their anxious desire that the conflict may be brought to a speedy close by a settlement consistent with the stability, prosperity and welfare of the parties concerned. The United States have always acted upon the same principle of forbearance and neutrality in regard to wars between powers with which our own country has maintained friendly relations, and they believe that this policy could not in this, more than in other cases, be departed from with advantage to themselves or to the interests of peace throughout the world.[44]

On September 11, 1863, Secretary Seward explained to Mr. Motley, our Minister to Austria, the position of the United States.

On September 21, 1863, Secretary Seward wrote to Mr. Dayton, our Minister to France, and after pointing out that the proceedings of the French in Mexico appeared to be at variance with the assurances which France had given with reference thereto, stated:

. . . The President thinks it desirable that you should seek an opportunity to mention these facts to Mr. Drouyn de l'Huys, and to suggest to him that the interests of the United States, and, as it seems to us, the interests of France herself, require that a solution of the present complications in Mexico be made, as early as may be convenient, upon the basis of the unity and independence of Mexico. I cannot be misinterpreting the sentiments of the United States in saying that they do not desire an annexation of Mexico, or any part of it; nor do they desire any special interest, control, or influence there, but they are deeply interested in the re establishment of unity, peace, and order in the neighboring Republic, and exceedingly desirous that there may not arise out of the war in Mexico any cause of alienation between them and France. Insomuch as these sentiments are by no means ungenerous, the President unhesitatingly believes that they are the sentiments of the Emperor himself in regard to Mexico.[45]

Renewed instructions were sent by Secretary Seward to Mr. Dayton on September 26, 1863.

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[43] Robertson, *History of the Latin American Nations*, p. 493.

[44] *Papers relating to Foreign Affairs* (*Diplomatic Correspondence*) 1863, vol. I, p. 665.

[45] *Ibid.*, vol. II, p. 703.

On October 23, 1863, Secretary Seward discussing the reported willingness of Maximilian to accept the throne of Mexico, reiterated the position of the United States with reference to such a proposal, and said:

. . . It is proper, also, that Mr. Drouyn de l'Huys should be informed that the United States continue to regard Mexico as the theatre of a war which has not yet ended in the subversion of the Government long existing there, with which the United States remain in the relation of peace and sincere friendship: and that, for this reason, the United States are not now at liberty to consider the question of recognizing a government which, in the further chances of war, may come into its place. The United States, consistently with their principles, can do no otherwise than leave the destinies of Mexico in the keeping of her own people, and recognize their sovereignty and independence in whatever form they themselves shall choose that this sovereignty and independence shall be manifested.[46]

1864

Mexico

On January 11, 1864, Senator McDougal of California offered a resolution concerning the French war in Mexico.

On April 4, 1864, the House of Representatives without dissent passed a bill which provided:

. . . the Congress of the United States are unwilling by silence to leave the nations of the world under the impression that they are indifferent spectators of the deplorable events now transpiring in the Republic of Mexico, and that they therefore think fit to declare that it does not accord with the policy of the United States to acknowledge any monarchical Government erected on the ruins of any republican Government in America under the auspices of any European power.[47]

Secretary Seward, writing to Mr. Dayton, our Minister to France on April 7, 1864, reported an inquiry made by Mr. Geofroy, the French Minister in Washington, regarding the meaning of the House resolution of April 4, quoted above. Mr. Seward stated:

I send you a copy of a resolution which passed the House of Representatives on the 4th instant by a unanimous vote and which declares the opposition of that body to a recognition of a Monarchy in Mexico. Mr. Geofroy has lost no time in asking for an explanation of this proceeding. It is hardly necessary after what I have heretofore written with perfect candor for the information of France, to say that this resolution truly interprets the unanimous sentiment of the People of the United States, in regard to Mexico. It is, however, another, and distinct question whether the United States would think it necessary or proper to express themselves in the form adopted by the House of Representatives at this time. This is a practical and purely Executive question, and the decision of it constitutionally belongs not to the House of Representa-

[46] *Papers relating to Foreign Affairs* (*Diplomatic Correspondence*), 1863, vol. II, p. 726.

[47] *Congressional Globe*, vol. 57, pt. 2, p. 1408.

tives, nor even to Congress, but to the President of the United States. You will of course take notice that the declaration made by the House of Representatives is in the form of a joint resolution which before it can acquire the character of a legislative act must receive, first the concurrence of the Senate and secondly the approval of the President of the United States, or in case of his dissent the renewed assent of both houses of Congress to be expressed by a majority of two-thirds of each body. While the President received the declaration of the House of Representatives with the profound respect to which it is entitled as an expression of the sentiments upon a grave and important subject, he directs that you inform the Government of France, that he does not at present contemplate any departure from the policy which this Government has hitherto pursued in regard to the war which exists between France and Mexico. It is hardly necessary to say, that the proceeding of the House of Representatives was adopted upon suggestions arising within itself, and not upon any communication of the Executive Department, and that the French Government would be seasonably apprized of any change of policy upon this subject which the President might at any future time think it proper to adopt.[48]

Lee's surrender at Appomattox came on April 9, 1865. Based primarily upon an article and a book by General John M. Schofield, Mr. Moore summarizes the events which immediately followed the close of our Civil War in the following language:

As soon as the restoration of the Union became assured, General Sheridan was sent with an army of about 50,000 men to the line of the Rio Grande; but, as Sheridan's troops were Union volunteers who had enlisted especially for the civil war, the necessity was recognized of organizing a new army for the purpose of acting against the French army in Mexico, in case of need. It was proposed that this new army should be enlisted and organized under the republican government of Mexico, which was recognized by the United States as the only legitimate government of that country. For the organization and command of this army, General John M. Schofield was selected by General Grant. General Schofield repaired to Washington, where he consulted with Mr. Romero, the Mexican minister, as well as with President Johnson, Mr. Seward, and Mr. Stanton. The War Department gave General Schofield a leave of absence for twelve months, with permission to go beyond the limits of the United States and to take with him any officers of his staff whom he might designate. It was expected that the officers and soldiers of the new army would be taken from the Union and Confederate forces, who were reported to be eager to enlist in the enterprise, but it was to be organized in Mexican territory under commissions from the Mexican Government. In the summer of 1865, General Schofield, at the request of Mr. Stanton, met Mr. Seward at Cape May. Mr. Seward then proposed to General Schofield to go to France under the authority of the Department of State to see whether Louis Napoleon could not be made to understand the necessity of withdrawing his army from Mexico and thus avert the necessity of expelling it by force. General Schofield decided to undertake the mission. He sailed from New York on November 19, 1865, accompanied by two members of his staff. He arrived in Paris early in December. He found that the intervention in Mexican affairs was very unpopular in France, but that the national pride was touched at the thought of withdrawing under menace. General Schofield found opportunity in two interviews with Prince Napoleon, and in several conversations with officers

[48] MS., Instructions, France, vol. XVII, pp. 43–44.

of high rank on the Emperor's staff, to make known the views and purposes of the United States respecting Mexican affairs. It was understood that these unofficial conversations were faithfully reported to the Emperor. General Schofield was presented to the Emperor and Empress at a ball at the Tuileries. He received several intimations that he would be invited to a private interview with the Emperor, but no invitation came and none was sought. He closed his mission practically at the end of January, 1866. Having made a report to Mr. Seward on the 24th of that month, he received early in the following May a reply intimating that there was no further occasion for his remaining in that quarter. He then returned to the United States and reported at the Department of State on June 4, 1866.[49]

Instructing Mr. Bigelow, our Minister to France, under date of November 6, 1865, Secretary Seward set out the position of this Government on the matter in the following language:

. . . The presence and operations of a French army in Mexico, and its maintenance of an authority there, resting upon force and not on the free will of the people of Mexico, is a cause of serious concern to the United States. Nevertheless, the objection of the United States is still broader, and includes the authority itself which the French army is thus maintaining. That authority is in direct antagonism to the policy of this Government and the principle upon which it is founded. Every day's experience of its operations only adds some new confirmation of the justice of the views which this Government expressed at the time the attempt to institute that authority first became known. The United States have hitherto practiced the utmost frankness on that subject. They still regard the effort to establish permanently a foreign and imperial Government in Mexico as disallowable and impracticable. For these reasons they could not now agree to compromise the position they have heretofore assumed. They are not prepared to recognize or to pledge themselves hereafter to recognize any political institutions in Mexico, which are in opposition to the Republican Government with which we have so long and so constantly maintained relations of amity and friendship. I need hardly repeat my past assurances of our sincere desire to preserve our inherited relations of friendship with France. This desire greatly increases our regret that no communications, formal or informal, which have been received from the Government of that country seem to justify us in expecting that France is likely soon to be ready to remove as far as may depend upon her the cause of our deep concern for the harmony of the two nations.

The suggestion which you make of a willingness on the part of France to propose a revision of the commercial relations between the two countries is not regarded as having emanated from the Government of the Empire. However that may be it is hardly necessary to say that we should not be dwelling so earnestly upon the branch of political relations, if it had not been our conviction that those relations at the present moment supersede those of commerce in the consideration of the American people.[50]

On November 29, 1865, the French Minister at Washington, Marquis de Montholon, communicated to Secretary Seward a message from the French Minister of Foreign Affairs in relation to affairs in

[49] Moore, *International Law Digest*, vol. VI, pp. 498–499.
[50] MS., Instructions, France, vol. XVII, pp. 467–469.

Mexico. The purport of the message was the expression of a desire that the United States should recognize Maximilian which would be the best guaranty that it was not the intention of the United States "to impede the consolidation of the new order of things founded in Mexico." The French Minister for Foreign Affairs intimated that since the United States recognized monarchies in Europe and the New World, that recognition ought not to be withheld from Mexico because of "difference of institutions."

Secretary Seward in reply stated that the prevailing discontent in the United States regarding affairs in Mexico was not because there was a foreign army in Mexico, nor because that army was French. He said:

> . . . We recognize the right of sovereign nations to carry on war with each other if they do not invade our right or menace our safety or just influence. The real cause of our national discontent is, that the French army which is now in Mexico is invading a domestic republican government there which was established by her people, and with whom the United States sympathize most profoundly, for the avowed purpose of suppressing it and establishing upon its ruins a foreign monarchical government, whose presence there, so long as it should endure, could not but be regarded by the people of the United States as injurious and menacing to their own chosen and endeared republican institutions.[51]

Later in the year Secretary Seward, again writing to Mr. Bigelow, Minister to France, used the following language:

> It has been the President's purpose that France should be respectfully informed upon two points, namely: First, that the United States earnestly desire to continue and to cultivate sincere friendship with France. Secondly, that this policy would be brought into imminent jeopardy, unless France could deem it consistent, with her interest and honor, to desist from the prosecution of armed intervention in Mexico to overthrow the domestic Republican Government existing there and to establish upon its ruins the foreign monarchy which has been attempted to be inaugurated in the capitol of that country.[52]

The retirement of the French troops from Mexico was apparently arranged through General James Watson Webb, from whose letter to Secretary Fish of May 17, 1873, the following is quoted:

> . . . in November 1865, I went to Paris, at the solicitation of the Emperor Napoleon, breakfasted with him, and after breakfast, spent two hours and a half with him in his cabinet; during which period, he made with me a secret treaty, subject to the approval of the President; by which he agreed to withdraw his army from Mexico, in twelve, eighteen, and twenty-four months. And on that occasion, I also arranged for the purchase of French Guiana; and placed in Mr. Seward's hands, the terms of purchase fixed by the French Minister of Foreign Affairs. The arrangement in regard to Mexico was approved by the President;

[51] MS., Notes to the French Legation, vol. VIII, p. 176; Moore, *ibid.*, p. 501.
[52] MS., Instructions, France, vol. XVII, p. 489; Moore, *ibid.*

and I so informed the Emperor. One of the conditions of that arrangement, was, that it should be considered a profound secret, and not to be made known to our Minister in Paris, or even to the French Minister of Foreign Affairs, until the Emperor should make the annunciation in the *Moniteur* in the following April. At the solicitation of Marshall Niell, however, who, when he was advised of the arrangement, declared it to be unsafe to try to evacuate Mexico in separate detachments, and insisted that the whole army must be removed at once,—the Emperor subsequently gave us notice, that he would retire from Mexico in March 1867—sixteen months from the time of our arrangement, instead of twelve, eighteen, and twenty-four months; and this he did in good faith.[53]

It would seem that under this arrangement troops were to be withdrawn beginning in November 1866.

News reached the Government of the United States early in 1866 that the Austrian Government was planning to fit out 10,000 Austrian troops to be sent to Mexico to assist Maximilian in holding his throne. On April 6, Secretary Seward's instruction to Mr. Motley, our Minister to Austria, directed him to state to the Austrian Government—

. . . that, in the event of hostilities being carried on hereafter in Mexico by Austrian Subjects, under the command, or with the sanction of the Government of Vienna, the United States will feel themselves at liberty to regard those hostilities as constituting a state of war by Austria against the Republic of Mexico; and in regard to such war waged at this time and under existing circumstances the United States could not engage to remain as silent or neutral spectators.[54]

On May 27, 1866, Minister Motley was informed by the Austrian Government that "the necessary measures have been taken to prevent the departure of volunteers lately enlisted for Mexico."

When time for withdrawing troops (under Webb arrangement) approached, intimation was received from the Emperor of France that he wished to postpone the withdrawal of troops until the spring of 1867. Secretary Seward objected to this. The Emperor then proposed the forming of a provisional government which should exclude both Maximilian and Juarez. Secretary Seward positively declined the proposition. The French evacuated the city in February 1867. The Maximilian Government was speedily overthrown and Maximilian and his supporters were tried by court martial and shot on June 19, 1867. Writing in the *Political Science Quarterly* for March 1896,[55] Mr. Moore said:

If those who imagine that our liberties have been preserved by the Monroe Doctrine are asked to show what it has accomplished since it answered its

[53] MS., Miscellaneous Letters, May 1873, pt. II, No. 17, p. 15 of letter; Moore, *International Law Digest*, vol. VI, p. 504.

[54] MS., Instructions, Austria, vol. I, 294; Moore, *ibid.*, p. 506.

[55] Vol. XI, p. 25.

original design, they invariably point to the retreat of the French from Mexico. But we did not on that occasion profess to act upon the Monroe Doctrine. Our position rested upon the principle of opposition to manifest and dangerous aggression, and doubtless would have been the same if President Monroe's message had never been written.

1865

Santo Domingo

On April 30, 1865, Spain (which had issued a royal decree pronouncing the annexation of Dominica to Spain in 1861, concerning which action the United States had protested but had also avowed its determination to maintain "the same neutrality" which it had exacted of friendly nations in our own Civil War) abandoned the island, such abandonment becoming a legal fact by reason of the signature of a law passed by the Cortes and signed by the Queen on April 30, 1865.[56]

1864–1866

Peru

Spain, engaged in war with Peru, appeared to be taking the position that since she had never recognized the independence of Peru she was entitled to reacquire the Chincha Islands belonging to Peru. On May 19, 1864, Secretary Seward instructed Mr. Koerner, our Minister to Spain, as follows:

> . . . The United States cannot yield their assent to the positions thus assumed in the name of Spain, or regard with indifference an attempt to reduce Peru by conquest and re-annex its territory to the Kingdom of Spain.[57]

Further correspondence and exchange of views having taken place between the two Governments, in the course of which a note presented by the Spanish representative, Mr. Tassara, was withdrawn upon that gentleman's reading the reply which Secretary Seward proposed to make to it, Secretary Seward confidentially advised the American Minister in Spain that he should intimate to the Spanish Minister for Foreign Affairs—

> . . . in an informal and most friendly manner, without entering into written correspondence, that the President sincerely and earnestly trusts that Spain may not proceed to any reoccupation of the Chincha Islands, because such a proceeding would seriously tend to disturb the harmonious relations with Her Catholic Majesty's Government which it is the President's desire may remain without interruption.[58]

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[56] Moore, *ibid.*, pp. 517–518.

[57] *Papers relating to Foreign Affairs* (*Diplomatic Correspondence*), pt. IV, 1864, p. 24.

[58] MS., Instructions, Spain, vol. XV, p. 570; Moore, *ibid.*, p. 508.

1867

Canada

The consideration by the British Parliament of the British North America Bill, which established the Dominion Government for Canada, led to action by the House of Representatives of the United States as set out below.

Under date of March 27, 1867, the following entries are found in the *Congressional Globe:*[59]

Mr. Banks, from the Committee on Foreign Affairs, reported a joint resolution respecting the proposed confederation of Provinces on the northern frontier of the United States; which was read a first and second time.

The joint resolution, which was read at length, declares that the people of the United States cannot regard the proposed confederation of the Provinces on the northern frontier of this country without extreme solicitude; that a confederation of States on this continent, extending from ocean to ocean, established without consulting the people of the Provinces to be united, and founded upon monarchical principles, cannot be considered otherwise than in contravention of the traditions and constantly-declared principles of this Government, endangering its most important interests, and tending to increase and perpetuate embarrassments already existing between the two Governments immediately interested.

After a brief colloquy between Mr. Banks and Mr. Brooks, Mr. Banks made this further statement:

Mr. Speaker, I understand that a principal point of the contest in the Provinces, and also with the opponents of this measure in the British Government, is that the proposition to confederate these Provinces on the northern frontier has never been submitted to the people of the colonies, though the Legislatures of most of the colonies have assented to it. One of the Provinces, Nova Scotia, by a remonstrance signed by thirty thousand of its citizens, has protested against the confederation. The citizens joining in this remonstrance constitute a majority of all who would be permitted to vote even under our laws; yet the Legislature of Nova Scotia has approved and consented to the confederation. That I understand to be the fact.

Mr. Chanler and Mr. Banks concluded the debate with the following observations, after which the resolution was passed:

Mr. Chanler. I want to see whether I understand the resolution. I agree with the principles which underlie it; but it seems to me to be illogical. The gentleman protests against the establishment of a monarchical Government to northeast of this Union. If Great Britain rules her colonies under a monarchical form of government, why not meet it at once, and say we take issue with Great Britain in holding any dominions on this continent, unless she gives them the right of self-government such as we now have? A monarchical form of government does exist in Canada to-day. The Queen of England rules that Government directly to-day under the laws of England and under the imperial system of England. I do not see that the resolution contains anything positive; that it fulminates anything from this Congress which is going to dis-

[59] Vol. 147, 40th Cong., 1st sess., p. 392.

turb a hair of the British lion; and unless he intends to carry this matter to some point which will make our power felt, I think it is wiser for us to remain silent. If we propose to make up a political issue with Great Britain as to the form of Government in her colonies on this continent, well and good. Let us insist on the independence of Canada, and take up arms with Canada on that issue.

This resolution means nothing. It contains nothing which is true. It assumes the Government of Canada to-day is not monarchical. I merely make the suggestion as the tendency of my views on this question.

Mr. BANKS. It was not the intention of the committee to present any menace or any threat or to make any protest on this question, not even to determine the character, but looking to positive results proposed in her colonies by the Government of Great Britain. But it does express an opinion, so far as this changed condition of the colonies is concerned, extending as they do from the Atlantic to the Pacific ocean, representing principles hostile to the interests, antagonistic to the Government of this country, that it cannot but be regarded with solicitude and as in contravention of the rights and interests of this Government. Beyond that the committee did not think it was proper to go, nor is further action required at this time. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The debates upon this act in the British House of Parliament will be found in Hansard's *Parliamentary Debates*,[60] under dates of February 26, 1867, and following. Of those who spoke upon the matter at that time, the remarks of Mr. Bright may be quoted here:

. . . I believe there is no delusion greater than this—that there is any party in the United States that wishes to commit any aggression upon Canada, or to annex Canada by force to the United States. There is not a part of the world, in my opinion, that runs less risk of aggression than Canada, except with regard to that foolish and impotent attempt of certain discontented not-long-ago subjects of the Queen, who have left this country. America has no idea of anything of the kind. No American statesman, no American political party, ever dreamt for a moment of an aggression upon Canada, or of annexing Canada by force. And therefore, every farthing that you spend on your fortresses, and all that you do with the idea of shutting out American aggression, is money squandered through an hallucination which we ought to get rid of. I have not risen for the purpose of objecting to the second reading of this Bill. Under the circumstances, I presume it is well that we should do no other than read it a second time. But I think the Government ought to have given a little more time. I think they have not treated the Province of Nova Scotia with that tenderness, that generosity, and that consideration which is desirable when you are about to make so great a change in its affairs and in its future. For my share, I want the population of these Provinces to do that which they believe to be the best for their own interests—remain with this country if they like, in the most friendly manner, or become independent States if they like. If they should prefer to unite themselves with the United States, I should not complain even of that. But whatever be their course, there is no man in this

[60] Third ser., 30 Victoria, 1867, vol. 185, pp. 1015 *et seq.*

House or in those Provinces who has a more sincere wish for their greatness and their welfare than I have, who have taken the liberty thus to criticize this bill.[61]

1869

Cuba, Spain and existing colonies

President Grant in his first annual message of December 6, 1869, made the following comment upon relations in Cuba and to the Spanish Americas generally:

As the United States is the freest of all nations, so, too, its people sympathize with all people struggling for liberty and self-government; but while so sympathizing it is due to our honor that we should abstain from enforcing our views upon unwilling nations and from taking an interested part, *without invitation*, in the quarrels between different nations or between governments and their subjects. Our course should always be in conformity with strict justice and law, international and local. Such has been the policy of the Administration in dealing with these questions. For more than a year a valuable province of Spain, and a near neighbor of ours, in whom all our people can not but feel a deep interest, has been struggling for independence and freedom. The people and Government of the United States entertain the same warm feelings and sympathies for the people of Cuba in their pending struggle that they manifested throughout the previous struggles between Spain and her former colonies in behalf of the latter. But the contest has at no time assumed the conditions which amount to a war in the sense of international law, or which would show the existence of a *de facto* political organization of the insurgents sufficient to justify a recognition of belligerency.

The principle is maintained, however, that this nation is its own judge when to accord the rights of belligerency, either to a people struggling to free themselves from a government they believe to be oppressive or to independent nations at war with each other.

The United States have no disposition to interfere with the existing relations of Spain to her colonial possessions on this continent. They believe that in due time Spain and other European powers will find their interest in terminating those relations and establishing their present dependencies as independent powers—members of the family of nations. These dependencies are no longer regarded as subject to transfer from one European power to another. When the present relation of colonies ceases, they are to become independent powers, exercising the right of choice and of self-control in the determination of their future condition and relations with other powers.[62]

1870

Island of St. Bartholomew

In this year the United States was approached by Sweden as to a possible purchase by the United States of the island of St. Bartholomew. It appeared that Italy had offered to purchase the island from Sweden which apparently intimated to the United States

[61] Hansard, *Parliamentary Debates*, 3d ser., 30 Victoria, 1867, vol. 185, p. 1185.
[62] Richardson's *Messages and Papers of the Presidents*, vol. VII, pp. 31–32.

that it might purchase it on the same terms. The offer was declined, Secretary Fish saying:

As however, we would prefer to avoid any controversy with a friendly power which the acceptance by Sweden and Norway of the offer of Italy . . . might involve, an acceptance which might be construed as adverse to that cardinal policy of the United States which objects to new colonies of European governments in this hemisphere. It is hoped that it may comport with the views of your government to postpone for the present any definite disposition of the subject.[63]

On June 17, 1869, Secretary Fish had communicated with Mr. Bartlett, our Minister to Sweden and Norway, as follows:

. . . Until recently, the acquisition of outlaying territory has not been regarded as desirable by us. The purchase of Russian America and the proposed purchase of the Danish West India Islands of St. Thomas and St. John may seem to indicate a reversal of the policy adverted to. Those measures, however, may be presumed to have been adopted for special reasons. In any event it appears to be inadvisable to decide upon the offer of St. Bartholomew while the question of the cession of St. Thomas and St. John shall be pending, and even when that question shall have been disposed of, the President, before he should make up his mind upon the subject, would probably prefer to consult Congress in regard to it, either directly or indirectly.[64]

In his second annual message, dated December 5, 1870, President Grant made the following statements regarding affairs in Latin America and our general policy in connection therewith:

The long-deferred peace conference between Spain and the allied South American Republics has been inaugurated in Washington under the auspices of the United States. Pursuant to the recommendation contained in the resolution of the House of Representatives of the 17th of December, 1866, the executive department of the Government offered its friendly offices for the promotion of peace and harmony between Spain and the allied Republics. Hesitations and obstacles occurred to the acceptance of the offer. Ultimately, however, a conference was arranged, and was opened in this city on the 29th of October last, at which I authorized the Secretary of State to preside. It was attended by the ministers of Spain, Peru, Chile, and Ecuador. In consequence of the absence of a representative from Bolivia, the conference was adjourned until the attendance of a plenipotentiary from that Republic could be secured or other measures could be adopted toward compassing its objects.

The allied and other Republics of Spanish origin on this continent may see in this fact a new proof of our sincere interest in their welfare, of our desire to see them blessed with good governments, capable of maintaining order and of preserving their respective territorial integrity, and of our sincere wish to extend our own commercial and social relations with them. The time is not probably far distant when, in the natural course of events, the European political connection with this continent will cease. Our policy should be shaped, in view of this probability, so as to ally the commercial interests of the Spanish

[63] MS., Notes to the Swedish Legation, vol. VI, p. 222.
[64] MS., Instructions, Sweden, vol. XIV, p. 169.

American States more closely to our own, and thus give the United States all the preeminence and all the advantage which Mr. Monroe, Mr. Adams, and Mr. Clay contemplated when they proposed to join in the congress of Panama.[65]

1871

Venezuela

Baron Gerolt, the German Minister to the United States, under instructions from his Government, confidentially approached Secretary Fish on the question of joining with certain European powers in a "joint and concerted movement to urge on Venezuela a more orderly government, better observance of her engagements, etc. etc." In declining this proffer, which was merely an intimation and not to be formally made if the United States were unwilling to accept, Secretary Fish spoke to Baron Gerolt as follows:

He was told that we had a vivid recollection of a combined European movement against Mexico, a few years since, and that we would wish to know the causes of Germany's complaint, and the precise object and means which they proposed and the limits which they intended to prescribe to their operations.—That the United States could not look with indifference, upon any combination of European Powers against an American State,—that if Germany or any other Power had just cause of war against Venezuela, this Government could interpose no objection to her resorting thereto.

If the object of Germany be a united remonstrance to Venezuela against the anarchy and chronic revolutionary condition of that State, or an appeal to honesty in the observance of her engagements, this Government would not object, but would, of itself, make a similar remonstrance and appeal. If, however, the object be a forcible demonstration of coercion, by a combination of European States, the United States could not regard it with indifference.

You will inquire confidentially of Her Majesty's Secretary of State for Foreign Affairs whether any proposal has been made, in behalf of the German Government to that of Great Britain on this subject, and ask whether the Government of Her Majesty has it in contemplation to unite therein. You will at the same time, delicately, but decidedly express the anxiety which the suggestion of the proposition has excited in this Government, and may say that the President hopes that the suggested proposal may not be carried to the extent of disturbing the sensibilities which would be aroused by a combination of European powers, against one of the Republics of this Continent.[66]

1880

Bay Islands, Honduras

Reports having come to this Government in 1880 that Great Britain desired to secure the Bay Islands from Honduras, Secretary Evarts, instructing Mr. Logan, our Minister to Central America, stated:

Aside from the well understood doctrines of this government as to any new acquisitions of American territory by European powers, it seems unquestion-

[65] Richardson's *Messages and Papers of the Presidents*, vol. VII, pp. 98–99.
[66] MS., Instructions, Great Britain, vol. XXII, pp. 472–473.

able that the Clayton-Bulwer treaty precludes the acquisition of those islands by Great Britain. The intentions which are imputed, therefore, to that power, looking in that direction, may well be discredited. Still, they should awaken the attention and arouse the vigilance of this government. Even should the tendency you report toward the alienation of the Bay Islands take another direction, it would, of course, be impossible for us to remain indifferent, or to acquiesce in any other European power acquiring any of them.[67]

1881

Venezuela

In this year the dispute between Venezuela and Great Britain regarding the boundary line between British Guiana and Venezuela began to assume a more serious aspect. The application of the Monroe Doctrine to the situation was fully developed by Secretary Olney in his instruction to Mr. Seward, our Ambassador to Great Britain, of July 20, 1895, under which date that instruction will be found.

1885

Mole St. Nicholas

In 1883 Haiti had proposed to sell to the United States the Mole St. Nicholas or the whole island of Tortuga for a certain sum of money and specified guaranties. This offer was declined.

A year later it was reported that Haiti was about to sell the Mole and the island to France. The suggestions, said Secretary Frelinghuysen, seem to be—

that the aim of this Government in pressing the Pelletier and Lazare claims to a settlement is to obtain possession of the Mole St. Nicholas as a strategic point to command the Panama Canal. The statement carries refutation on its face. Mr. Preston, in the first place, is aware that the Pelletier and Lazare claims are removed from the field of diplomatic discussion for he recently signed a conventional agreement with this Government under which the claims in question are being arbitrated.

Moreover on the 8th of November, 1883, the Government of Hayti made a proposition of a cession to the United States of the peninsula of Le Mole, or of the whole island of Tortuga in consideration of certain specified guarantees, and the payment of a sum of money to Hayti by the U. S. This proposition was declined on account of the obstacles which our national policy interposes to such acquisitions.

It is quite incredible that President Salamon could have sanctioned the issuance of instructions to Mr. Preston, based on premises which President Salamon knew to be false, and which Mr. Preston could not but know to be without foundation. It may be true that negotiations looking to the improvement of the ports named, by a chartered French Company are in progress, and as to this, as well as to the general subject I will thank you to exercise your utmost

[67] *Ibid.*, Central America, vol. XXVIII, p. 75.

vigilance, and to communicate promptly to the Department any information you may be able to obtain.

You will not communicate the information contained in Mr. Langston's No. 696 to the French Government, or let Mr. Ferry suppose we have it, but should a proper occasion arise you may in suitable terms call the attention of the Foreign Office to the fact that acquisition of Haytian territory by France would conflict with the principles of our public policy known as the Monroe Doctrine.[68]

1886

Venezuela

Secretary Bayard declined to join Great Britain in making a joint demand against Venezuela [69] and in the same year the United States instructed our Minister to Great Britain to tender the arbitration of the United States between that country and Venezuela.[70]

1887

Haiti

Rumors having reached the United States that efforts were being made to induce France to declare a protectorate over Haiti or even to annex the country, Secretary Bayard instructed our Ambassador to France (December 21, 1888), as follows:

. . . That Government [the French] is perfectly aware of the well-settled policy of the United States which would lead us to oppose any attempt on the part of a European government to extend its influence in any portion of America. In view of events which are currently reported to be taking place in France at this time arising out of the pecuniary embarrassments of the Panama Canal Company, and of the possibility of the French Government being asked to undertake the construction of that work as a National measure, it may be well for you, without referring especially to affairs in Panama, to take this opportunity also to call the attention of the Minister of Foreign Affairs in somewhat explicit language, to the consistent attitude maintained by the United States in regard to this subject. The wish of the United States has always been that the independent countries to the south of us should be left free to develop their own resources in such manner as they might deem most advisable for their own interests free from foreign dictation or interference of any kind. The United States has no interest other than that of the well-being and prosperity of its neighbors. It has never attempted colonization, but it has consistently maintained that no part of America is to be considered as a subject for future colonization by any European power. The views of this Government in this regard have heretofore been fully explained to the government of France, not only on the occasion above referred to, when some acquisition by it of Haytian territory was reported to be in contemplation, but also on the occasion of the expedition to Mexico, undertaken upwards of 25 years ago,

[68] MS., Instructions, France, vol. xxi, p. 174.

[69] Moore, *International Law Digest*, vol. vi, pp. 532–533.

[70] *Ibid.*, p. 541.

and at the time of the commencement of work by the French company upon the Panama Canal.[71]

Island of Tortuga

In this same year a rumor reached the United States that Great Britain intended to seize the island of Tortuga whereupon Secretary Bayard instructed Mr. Phelps, our Minister to England (February 24, 1887), that if he found any such step was in contemplation he was promptly "to remonstrate in suitable terms against the consummation, of any measure on the part of Her Britannic Majesty's Government, which would violate the well known principles of the Monroe Doctrine."[72]

Secretary Bayard in reporting to President Cleveland under date of January 20, 1887, regarding the Pelletier case said:

> . . . The United States has proclaimed herself the protector of this Western World, in which she is by far the strongest power, from the intrusion of European sovereignties. She can point with proud satisfaction to the fact that over and over again has she declared, and declared effectively, that serious indeed would be the consequences if European hostile foot should, without just cause, tread those states in the New World which have emancipated themselves from European control. She has announced that she would cherish, as it becomes her, the territorial rights of the feeblest of these states, regarding them not merely as in the eye of the law equal to even the greatest of nationalities, but, in view of her distinctive policy, as entitled to be regarded by her as the objects of a peculiarly gracious care. I feel bound to say that if we should sanction by reprisals in Hayti the ruthless invasion of her territory and insult to her sovereignty which the facts now before us disclose, if we approve by solemn executive action and Congressional assent that invasion, it will be difficult for us hereafter to assert that in the New World, of whose rights we are the peculiar guardians, these rights have never been invaded by ourselves.[73]

1895

Venezuela

It was on July 20, 1895, that Secretary Olney addressed to Mr. Bayard, our Ambassador to England, his famous instruction announcing the application of the Monroe Doctrine to the boundary dispute between Venezuela and Great Britain. As this is perhaps the most complete exposition of the Monroe Doctrine as applied to a concrete situation which has ever appeared in our diplomatic history, it is quoted *in extenso*, as also Lord Salisbury's response of November 25 of that year in which is set out the British view of the Monroe Doctrine, and finally, pertinent extracts from the annual message of President Cleveland of March 2, 1895, and of his special message of December 17, 1895.

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[71] MS., Instructions, France, vol. xxi, pp. 625–626.

[72] Moore, *ibid.*, p. 433.

[73] S. Ex. Doc. No. 64, 49th Cong., 2d sess., p. 15.

Mr. Olney, in his note of July 20, 1895, after tracing the history of the controversy, discussed the Doctrine itself in this language:

The accuracy of the foregoing analysis of the existing status cannot, it is believed, be challenged. It shows that status to be such that those charged with the interests of the United States are now forced to determine exactly what those interests are and what course of action they require. It compels them to decide to what extent, if any, the United States may and should intervene in a controversy between and primarily concerning only Great Britain and Venezuela and to decide how far it is bound to see that the integrity of Venezuelan territory is not impaired by the pretensions of its powerful antagonist. Are any such right and duty devolved upon the United States? If not, the United States has already done all, if not more than all, that a purely sentimental interest in the affairs of the two countries justifies, and to push its interposition further would be unbecoming and undignified and might well subject it to the charge of impertinent intermeddling with affairs with which it has no rightful concern. On the other hand, if any such right and duty exist, their due exercise and discharge will not permit of any action that shall not be efficient and that, if the power of the United States is adequate, shall not result in the accomplishment of the end in view. The question thus presented, as matter of principle and regard being had to the settled national policy, does not seem difficult of solution. Yet the momentous practical consequences dependent upon its determination require that it should be carefully considered and that the grounds of the conclusion arrived at should be fully and frankly stated.

That there are circumstances under which a nation may justly interpose in a controversy to which two or more other nations are the direct and immediate parties is an admitted canon of international law. The doctrine is ordinarily expressed in terms of the most general character and is perhaps incapable of more specific statement. It is declared in substance that a nation may avail itself of this right whenever what is done or proposed by any of the parties primarily concerned is a serious and direct menace to its own integrity, tranquillity, or welfare. The propriety of the rule when applied in good faith will not be questioned in any quarter. On the other hand, it is an inevitable though unfortunate consequence of the wide scope of the rule that it has only too often been made a cloak for schemes of wanton spoliation and aggrandizement. We are concerned at this time, however, not so much with the general rule as with a form of it which is peculiarly and distinctively American. Washington, in the solemn admonitions of the Farewell Address, explicitly warned his countrymen against entanglements with the politics or the controversies of European powers.

> Europe, [he said,] has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities. Our detached and distant situation invites and enables us to pursue a different course.

During the administration of President Monroe this doctrine of the Farewell Address was first considered in all its aspects and with a view to all its practical consequences. The Farewell Address, while it took America out of the field of European politics, was silent as to the part Europe might be permitted to play in America. Doubtless it was thought the latest addition to the family of nations should not make haste to prescribe rules for the guidance of its older members, and the expediency and propriety of serving the powers

of Europe with notice of a complete and distinctive American policy excluding them from interference with American political affairs might well seem dubious to a generation to whom the French alliance, with its manifold advantages to the cause of American independence, was fresh in mind.

Twenty years later, however, the situation had changed. The lately born nation had greatly increased in power and resources, had demonstrated its strength on land and sea and as well in the conflicts of arms as in the pursuits of peace, and had begun to realize the commanding position on this continent which the character of its people, their free institutions, and their remoteness from the chief scene of European contentions combined to give to it. The Monroe administration therefore did not hesitate to accept and apply the logic of the Farewell Address by declaring in effect that American non-intervention in European affairs necessarily implied and meant European non-intervention in American affairs. Conceiving unquestionably that complete European non-interference in American concerns would be cheaply purchased by complete American non-interference in European concerns, President Monroe, in the celebrated Message of December 2, 1823, used the following language:

> In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy to do so. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparations for our defense. With the movements in this hemisphere, we are, of necessity, more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective governments. And to the defense of our own, which has been achieved by the loss of so much blood and treasure and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety.
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> With the existing colonies or dependencies of any European power, we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition towards the United States. . . . Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers; to consider the government *de facto* as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy, meeting, in all instances, the just claims of every power, submitting to injuries from none. But in regard to these continents, circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can anyone believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference.

The Monroe administration, however, did not content itself with formulating a correct rule for the regulation of the relations between Europe and America. It aimed at also securing the practical benefits to result from the application of the rule. Hence the message just quoted declared that the American continents were fully occupied and were not the subjects for future colonization by European powers. To this spirit and this purpose, also, are to be attributed

the passages of the same message which treat any infringement of the rule against interference in American affairs on the part of the powers of Europe as an act of unfriendliness to the United States. It was realized that it was futile to lay down such a rule unless its observance could be enforced. It was manifest that the United States was the only power in this hemisphere capable of enforcing it. It was therefore courageously declared not merely that Europe ought not to interfere in American affairs, but that any European power doing so would be regarded as antagonizing the interests and inviting the opposition of the United States.

That America is in no part open to colonization, though the proposition was not universally admitted at the time of its first enunciation, has long been universally conceded. We are now concerned, therefore, only with that other practical application of the Monroe doctrine the disregard of which by an European power is to be deemed an act of unfriendliness towards the United States. The precise scope and limitations of this rule cannot be too clearly apprehended. It does not establish any general protectorate by the United States over other American states. It does not relieve any American state from its obligations as fixed by international law nor prevent any European power directly interested from enforcing such obligations or from inflicting merited punishment for the breach of them. It does not contemplate any interference in the internal affairs of any American state or in the relations between it and other American states. It does not justify any attempt on our part to change the established form of government of any American state or to prevent the people of such state from altering that form according to their own will and pleasure. The rule in question has but a single purpose and object. It is that no European power or combination of European powers shall forcibly deprive an American state of the right and power of self-government and of shaping for itself its own political fortunes and destinies.

That the rule thus defined has been the accepted public law of this country ever since its promulgation cannot fairly be denied. Its pronouncement by the Monroe administration at that particular time was unquestionably due to the inspiration of Great Britain, who at once gave to it an open and unqualified adhesion which has never been withdrawn. But the rule was decided upon and formulated by the Monroe administration as a distinctively American doctrine of great import to the safety and welfare of the United States after the most careful consideration by a Cabinet which numbered among its members John Quincy Adams, Calhoun, Crawford, and Wirt, and which before acting took both Jefferson and Madison into its counsels. Its promulgation was received with acclaim by the entire people of the country irrespective of party. Three years after, Webster declared that the doctrine involved the honor of the country. "I look upon it," he said, "as part of its treasures of reputation, and for one I intend to guard it," and he added,

> I look on the message of December, 1823, as forming a bright page in our history. I will help neither to erase it nor to tear it out; nor shall it be by any act of mine blurred or blotted. It did honor to the sagacity of the Government, and I will not diminish that honor.

Though the rule thus highly eulogized by Webster has never been formally affirmed by Congress, the House in 1864 declared against the Mexican monarchy sought to be set up by the French as not in accord with the policy of the United States, and in 1889 the Senate expressed its disapproval of the connection of any European power with a canal across the Isthmus of Darien or Central America. It is manifest that, if a rule has been openly and uniformly declared and acted upon by the executive branch of the Government for more

than seventy years without express repudiation by Congress, it must be conclusively presumed to have its sanction. Yet it is certainly no more than the exact truth to say that every administration since President Monroe's has had occasion, and sometimes more occasions than one, to examine and consider the Monroe doctrine and has in each instance given it emphatic endorsement. Presidents have dwelt upon it in messages to Congress and Secretaries of State have time after time made it the theme of diplomatic representation. Nor, if the practical results of the rule be sought for, is the record either meager or obscure. Its first and immediate effect was indeed most momentous and far reaching. It was the controlling factor in the emancipation of South America and to it the independent states which now divide that region between them are largely indebted for their very existence. Since then the most striking single achievement to be credited to the rule is the evacuation of Mexico by the French upon the termination of the civil war. But we are also indebted to it for the provisions of the Clayton-Bulwer treaty, which both neutralized any interoceanic canal across Central America and expressly excluded Great Britain from occupying or exercising any dominion over any part of Central America. It has been used in the case of Cuba as if justifying the position that, while the sovereignty of Spain will be respected, the island will not be permitted to become the possession of any other European power. It has been influential in bringing about the definite relinquishment of any supposed protectorate by Great Britain over the Mosquito Coast.

President Polk, in the case of Yucatan and the proposed voluntary transfer of that country to Great Britain or Spain, relied upon the Monroe doctrine, though perhaps erroneously, when he declared in a special message to Congress on the subject that the United States could not consent to any such transfer. Yet, in somewhat the same spirit, Secretary Fish affirmed in 1870 that President Grant had but followed "the teachings of all our history" in declaring in his annual message of that year that existing dependencies were no longer regarded as subject to transfer from one European power to another, and that when the present relation of colonies ceases they are to become independent powers. Another development of the rule, though apparently not necessarily required by either its letter or its spirit, is found in the objection to arbitration of South American controversies by an European power. American questions, it is said, are for American decision, and on that ground the United States went so far as to refuse to mediate in the war between Chili and Peru jointly with Great Britain and France. Finally, on the ground, among others, that the authority of the Monroe doctrine and the prestige of the United States as its exponent and sponsor would be seriously impaired, Secretary Bayard strenuously resisted the enforcement of the Pelletier claim against Hayti.

> The United States, [he said,] has proclaimed herself the protector of this western world, in which she is by far the stronger power, from the intrusion of European sovereignties. She can point with proud satisfaction to the fact that over and over again has she declared effectively, that serious indeed would be the consequences if European hostile foot should, without just cause, tread those states in the New World which have emancipated themselves from European control. She has announced that she would cherish as it becomes her the territorial rights of the feeblest of those states, regarding them not merely as in the eye of the law equal to even the greatest of nationalities, but in view of her distinctive policy as entitled to be regarded by her as the objects of a peculiarly gracious care. I feel bound to say that if we should sanction by reprisals in Hayti the ruthless invasion of her territory and insult to her sovereignty which the facts now before us disclose, if we approve by solemn Executive action and Congressional assent that invasion, it will be difficult for us hereafter

to assert that in the New World, of whose rights we are the peculiar guardians, these rights have never been invaded by ourselves.

The foregoing enumeration not only shows the many instances wherein the rule in question has been affirmed and applied, but also demonstrates that the Venezuelan boundary controversy is in any view far within the scope and spirit of the rule as uniformly accepted and acted upon. A doctrine of American public law thus long and firmly established and supported could not easily be ignored in a proper case for its application, even were the considerations upon which it is founded obscure or questionable. No such objection can be made, however, to the Monroe doctrine understood and defined in the manner already stated. It rests, on the contrary, upon facts and principles that are both intelligible and incontrovertible. That distance and three thousand miles of intervening ocean make any permanent political union between an European and an American state unnatural and inexpedient will hardly be denied. But physical and geographical considerations are the least of the objections to such a union. Europe, as Washington observed, has a set of primary interests which are peculiar to herself. America is not interested in them and ought not to be vexed or complicated with them. Each great European power, for instance, today maintains enormous armies and fleets in self-defense and for protection against any other European power or powers. What have the states of America to do with that condition of things, or why should they be impoverished by wars or preparations for wars with whose causes or results they can have no direct concern? If all Europe were to suddenly fly to arms over the fate of Turkey, would it not be preposterous that any American state should find itself inextricably involved in the miseries and burdens of the contest? If it were, it would prove to be a partnership in the cost and losses of the struggle but not in any ensuing benefits.

What is true of the material, is no less true of what may be termed the moral interests involved. Those pertaining to Europe are peculiar to her and are entirely diverse from those pertaining and peculiar to America. Europe as a whole is monarchical, and, with the single important exception of the Republic of France, is committed to the monarchical principle. America, on the other hand, is devoted to the exactly opposite principle—to the idea that every people has an inalienable right of self-government—and, in the United States of America, has furnished to the world the most conspicuous and conclusive example and proof of the excellence of free institutions, whether from the standpoint of national greatness or of individual happiness. It can not be necessary, however, to enlarge upon this phase of the subject—whether moral or material interests be considered, it can not but be universally conceded that those of Europe are irreconcilably diverse from those of America, and that any European control of the latter is necessarily both incongruous and injurious. If however, for the reasons stated the forcible intrusion of European powers into American politics is to be deprecated—if, as it is to be deprecated, it should be resisted and prevented—such resistance and prevention must come from the United States. They would come from it, of course, were it made the point of attack. But, if they come at all, they must also come from it when any other American state is attacked, since only the United States has the strength adequate to the exigency.

Is it true, then, that the safety and welfare of the United States are so concerned with the maintenance of the independence of every American state as against any European power as to justify and require the interposition of the United States whenever that independence is endangered? The question can be candidly answered in but one way. The states of America, South as well as

North, by geographical proximity, by natural sympathy, by similarity of governmental constitutions, are friends and allies, commercially and politically, of the United States. To allow the subjugation of any of them by an European power is, of course, to completely reverse that situation and signifies the loss of all the advantages incident to their natural relations to us. But that is not all. The people of the United States have a vital interest in the cause of popular self-government. They have secured the right for themselves and their posterity at the cost of infinite blood and treasure. They have realized and exemplified its beneficent operation by a career unexampled in point of national greatness or individual felicity. They believe it to be for the healing of all nations, and that civilization must either advance or retrograde accordingly as its supremacy is extended or curtailed. Imbued with these sentiments, the people of the United States might not impossibly be wrought up to an active propaganda in favor of a cause so highly valued both for themselves and for mankind. But the age of the Crusades has passed, and they are content with such assertion and defense of the right of popular self-government as their own security and welfare demand. It is in that view more than in any other that they believe it not to be tolerated that the political control of an American state shall be forcibly assumed by an European power.

The mischiefs apprehended from such a source are none the less real because not immediately imminent in any specific case, and are none the less to be guarded against because the combination of circumstances that will bring them upon us cannot be predicted. The civilized states of Christendom deal with each other on substantially the same principles that regulate the conduct of individuals. The greater its enlightenment, the more surely every state perceives that its permanent interests require it to be governed by the immutable principles of right and justice. Each, nevertheless, is only too liable to succumb to the temptations offered by seeming special opportunities for its own aggrandizement, and each would rashly imperil its own safety were it not to remember that for the regard and respect of other states it must be largely dependent upon its own strength and power. To-day the United States is practically sovereign on this continent, and its fiat is law upon the subjects to which it confines its interposition. Why? It is not because of the pure friendship or good will felt for it. It is not simply by reason of its high character as a civilized state, nor because wisdom and justice and equity are the invariable characteristics of the dealings of the United States. It is because, in addition to all other grounds, its infinite resources combined with its isolated position render it master of the situation and practically invulnerable as against any or all other powers.

All the advantages of this superiority are at once imperiled if the principle be admitted that European powers may convert American states into colonies or provinces of their own. The principle would be eagerly availed of, and every power doing so would immediately acquire a base of military operations against us. What one power was permitted to do could not be denied to another, and it is not inconceivable that the struggle now going on for the acquisition of Africa might be transferred to South America. If it were, the weaker countries would unquestionably be soon absorbed, while the ultimate result might be the partition of all South America between the various European powers. The disastrous consequences to the United States of such a condition of things are obvious. The loss of prestige, of authority, and of weight in the councils of the family of nations, would be among the least of them. Our only real rivals in peace as well as enemies in war would be found located at our very doors. Thus far in our history we have been spared the burdens and evils of immense standing armies and all the other accessories of huge warlike

establishments, and the exemption has largely contributed to our national greatness and wealth as well as to the happiness of every citizen. But, with the powers of Europe permanently encamped on American soil, the ideal conditions we have thus far enjoyed can not be expected to continue. We too must be armed to the teeth, we too must convert the flower of our male population into soldiers and sailors, and by withdrawing them from the various pursuits of peaceful industry we too must practically annihilate a large share of the productive energy of the nation.

How a greater calamity than this could overtake us it is difficult to see. Nor are our just apprehensions to be allayed by suggestions of the friendliness of European powers—of their good will towards us—of their disposition, should they be our neighbors, to dwell with us in peace and harmony. The people of the United States have learned in the school of experience to what extent the relations of states to each other depend not upon sentiment nor principle, but upon selfish interest. They will not soon forget that, in their hour of distress, all their anxieties and burdens were aggravated by the possibility of demonstrations against their national life on the part of powers with whom they had long maintained the most harmonious relations. They have yet in mind that France seized upon the apparent opportunity of our civil war to set up a monarchy in the adjoining state of Mexico. They realize that had France and Great Britain held important South American possessions to work from and to benefit, the temptation to destroy the predominance of the Great Republic in this hemisphere by furthering its dismemberment might have been irresistible. From that grave peril they have been saved in the past and may be saved again in the future through the operation of the sure but silent force of the doctrine proclaimed by President Monroe. To abandon it, on the other hand, disregarding both the logic of the situation and the facts of our past experience, would be to renounce a policy which has proved both an easy defense against foreign aggression and a prolific source of internal progress and prosperity.

There is, then, a doctrine of American public law, well founded in principle and abundantly sanctioned by precedent, which entitles and requires the United States to treat as an injury to itself the forcible assumption by an European power of political control over an American state. The application of the doctrine to the boundary dispute between Great Britain and Venezuela remains to be made and presents no real difficulty. Though the dispute relates to a boundary line, yet, as it is between states, it necessarily imports political control to be lost by one party and gained by the other. The political control at stake, too, is of no mean importance, but concerns a domain of great extent—the British claim, it will be remembered, apparently expanded in two years some 33,000 square miles—and, if it also directly involves the command of the mouth of the Orinoco, is of immense consequence in connection with the whole river navigation of the interior of South America. It has been intimated, indeed, that in respect of these South American possessions Great Britain is herself an American state like any other, so that a controversy between her and Venezuela is to be settled between themselves as if it were between Venezuela and Brazil or between Venezuela and Colombia, and does not call for or justify United States intervention. If this view be tenable at all, the logical sequence is plain.

Great Britain as a South American state is to be entirely differentiated from Great Britain generally, and if the boundary question cannot be settled otherwise than by force, British Guiana, with her own independent resources and not those of the British Empire, should be left to settle the matter with Venezuela—an arrangement which very possibly Venezuela might not object to. But the proposition that an European power with an American dependency is

for the purposes of the Monroe doctrine to be classed not as an European but as an American state will not admit of serious discussion. If it were to be adopted, the Monroe doctrine would be too valueless to be worth asserting. Not only would every European power now having a South American colony be enabled to extend its possessions on this continent indefinitely, but any other European power might also do the same by first taking pains to procure a fraction of South American soil by voluntary cession.

The declaration of the Monroe message—that existing colonies or dependencies of an European power would not be interfered with by the United States—means colonies or dependencies then existing, with their limits as then existing. So it has been invariably construed, and so it must continue to be construed unless it is to be deprived of all vital force. Great Britain cannot be deemed a South American state within the purview of the Monroe doctrine, nor, if she is appropriating Venezuelan territory, is it material that she does so by advancing the frontier of an old colony instead of by the planting of a new colony. The difference is matter of form and not of substance and the doctrine if pertinent in the one case must be in the other also. It is not admitted, however, and therefore cannot be assumed, that Great Britain is in fact usurping dominion over Venezuelan territory. While Venezuela charges such usurpation, Great Britain denies it, and the United States, until the merits are authoritatively ascertained, can take sides with neither. But while this is so—while the United States may not, under existing circumstances at least, take upon itself to say which of the two parties is right and which wrong—it is certainly within its right to demand that the truth shall be ascertained. Being entitled to resent and resist any sequestration of Venezuelan soil by Great Britain, it is necessarily entitled to know whether such sequestration has occurred or is now going on. Otherwise, if the United States is without the right to know and have it determined whether there is or is not British aggression upon Venezuelan territory, its right to protest against or repel such aggression may be dismissed from consideration.

The right to act upon a fact the existence of which there is no right to have ascertained is simply illusory. It being clear, therefore, that the United States may legitimately insist upon the merits of the boundary question being determined, it is equally clear that there is but one feasible mode of determining them, viz., peaceful arbitration. The impracticability of any conventional adjustment has been often and thoroughly demonstrated. Even more impossible of consideration is an appeal to arms—a mode of settling national pretensions unhappily not yet wholly obsolete. If, however, it were not condemnable as a relic of barbarism and a crime in itself, so one-sided a contest could not be invited nor even accepted by Great Britain without distinct disparagement to her character as a civilized state. Great Britain, however, assumes no such attitude. On the contrary, she both admits that there is a controversy and that arbitration should be resorted to for its adjustment. But, while up to that point her attitude leaves nothing to be desired, its practical effect is completely nullified by her insistence that the submission shall cover but a part of the controversy—that, as a condition of arbitrating her right to a part of the disputed territory, the remainder shall be turned over to her. If it were possible to point to a boundary which both parties had ever agreed or assumed to be such either expressly or tacitly, the demand that territory conceded by such line to British Guiana should be held not to be in dispute might rest upon a reasonable basis. But there is no such line. The territory which Great Britain insists shall be ceded to her as a condition of arbitrating her claim to other territory has never been admitted to belong to her. It has always and consistently been claimed by Venezuela.

Upon what principle—except her feebleness as a nation—is she to be denied the right of having the claim heard and passed upon by an impartial tribunal? No reason nor shadow of reason appears in all the voluminous literature of the subject. "It is to be so because I will it to be so" seems to be the only justification Great Britain offers. It is, indeed, intimated that the British claim to this particular territory rests upon an occupation, which, whether acquiesced in or not, has ripened into a perfect title by long continuance. But what prescription affecting territorial rights can be said to exist as between sovereign states? Or, if there is any, what is the legitimate consequence? It is not that all arbitration should be denied, but only that the submission should embrace an additional topic, namely, the validity of the asserted prescriptive title either in point of law or in point of fact. No different result follows from the contention that as matter of principle Great Britain cannot be asked to submit and ought not to submit to arbitration her political and sovereign rights over territory. This contention, if applied to the whole or to a vital part of the possessions of a sovereign state, need not be controverted. To hold otherwise might be equivalent to holding that a sovereign state was bound to arbitrate its very existence.

But Great Britain has herself shown in various instances that the principle has no pertinency when either the interests or the territorial area involved are not of controlling magnitude and her loss of them as the result of an arbitration cannot appreciably affect her honor or her power. Thus, she has arbitrated the extent of her colonial possessions twice with the United States, twice with Portugal, and once with Germany, and perhaps in other instances. The Northwest Water Boundary arbitration of 1872 between her and this country is an example in point and well illustrates both the effect to be given to long-continued use and enjoyment and the fact that a truly great power sacrifices neither prestige nor dignity by reconsidering the most emphatic rejection of a proposition when satisfied of the obvious and intrinsic justice of the case. By the award of the Emperor of Germany, the arbitrator in that case, the United States acquired San Juan and a number of smaller islands near the coast of Vancouver as a consequence of the decision that the term "the channel which separates the continent from Vancouver's Island," as used in the treaty of Washington of 1846, meant the Haro channel and not the Rosario channel. Yet a leading contention of Great Britain before the arbitrator was that equity required a judgment in her favor because a decision in favor of the United States would deprive British subjects of rights of navigation of which they had had the habitual enjoyment from the time when the Rosario Strait was first explored and surveyed in 1798. So, though by virtue of the award the United States acquired San Juan and the other islands of the group to which it belongs, the British Foreign Secretary had in 1859 instructed the British Minister at Washington as follows:

> Her Majesty's Government must, therefore, under any circumstances, maintain the right of the British Crown to the Island of San Juan. The interests at stake in connection with the retention of that Island are too important to admit of compromise and Your Lordship will consequently bear in mind that, whatever arrangement as to the boundary line is finally arrived at, no settlement of the question will be accepted by Her Majesty's Government which does not provide for the Island of San Juan being reserved to the British Crown.

Thus, as already intimated, the British demand that her right to a portion of the disputed territory shall be acknowledged before she will consent to an arbitration as to the rest seems to stand upon nothing but her own *ipse dixit*. She says to Venezuela, in substance: "You can get none of the debatable land by force, because you are not strong enough; you can get none by treaty, because

I will not agree; and you can take your chance of getting a portion by arbitration, only if you first agree to abandon to me such other portion as I may designate." It is not perceived how such an attitude can be defended nor how it is reconcilable with that love of justice and fair play so eminently characteristic of the English race. It in effect deprives Venezuela of her free agency and puts her under virtual duress. Territory acquired by reason of it will be as much wrested from her by the strong hand as if occupied by British troops or covered by British fleets. It seems therefore quite impossible that this position of Great Britain should be assented to by the United States, or that, if such position be adhered to with the result of enlarging the bounds of British Guiana, it should not be regarded as amounting, in substance, to an invasion and conquest of Venezuelan territory.

In these circumstances, the duty of the President appears to him unmistakable and imperative. Great Britain's assertion of title to the disputed territory combined with her refusal to have that title investigated being a substantial appropriation of the territory to her own use, not to protest and give warning that the transaction will be regarded as injurious to the interests of the people of the United States as well as oppressive in itself would be to ignore an established policy with which the honor and welfare of this country are closely identified. While the measures necessary or proper for the vindication of that policy are to be determined by another branch of the Government, it is clearly for the Executive to leave nothing undone which may tend to render such determination unnecessary.

You are instructed, therefore, to present the foregoing views to Lord Salisbury by reading to him this communication (leaving with him a copy should he so desire), and to reinforce them by such pertinent considerations as will doubtless occur to you. They call for a definite decision upon the point whether Great Britain will consent or will decline to submit the Venezuelan boundary question in its entirety to impartial arbitration. It is the earnest hope of the President that the conclusion will be on the side of arbitration, and that Great Britain will add one more to the conspicuous precedents she has already furnished in favor of that wise and just mode of adjusting international disputes. If he is to be disappointed in that hope, however—a result not to be anticipated and in his judgment calculated to greatly embarrass the future relations between this country and Great Britain—it is his wish to be made acquainted with the fact at such early date as will enable him to lay the whole subject before Congress in his next annual message.[74]

Lord Salisbury's reply to this portion of Mr. Olney's note, was as follows:

Sir, On the 7th August I transmitted to Lord Gough a copy of the despatch from Mr. Olney which Mr. Bayard had left with me that day, and of which he had read portions to me. I informed him at the time that it could not be answered until it had been carefully considered by the Law Officers of the Crown. I have therefore deferred replying to it till after the recess.

I will not now deal with those portions of it which are concerned exclusively with the controversy that has for some time past existed between the Republic of Venezuela and Her Majesty's Government in regard to the boundary which separates their dominions. I take a very different view from Mr. Olney of various matters upon which he touches in that part of the despatch; but I will defer for the present all observations upon it, as it concerns matters

[74] *Foreign Relations of the United States*, 1895, pt. I, pp. 552–562.

which are not in themselves of first-rate importance, and do not directly concern the relations between Great Britain and the United States.

The latter part however of the despatch, turning from the question of the frontiers of Venezuela, proceeds to deal with principles of a far wider character, and to advance doctrines of international law which are of considerable interest to all the nations whose dominions include any portion of the western hemisphere.

The contentions set forth by Mr. Olney in this part of his despatch are represented by him as being an application of the political maxims which are well known in American discussion under the name of the Monroe doctrine. As far as I am aware, this doctrine has never been before advanced on behalf of the United States in any written communication addressed to the Government of another nation; but it has been generally adopted and assumed as true by many eminent writers and politicians in the United States. It is said to have largely influenced the Government of that country in the conduct of its foreign affairs: though Mr. Clayton, who was Secretary of State under President Taylor, expressly stated that that Administration had in no way adopted it. But during the period that has elapsed since the Message of President Monroe was delivered in 1823, the doctrine has undergone a very notable development, and the aspect which it now presents in the hands of Mr. Olney differs widely from its character when it first issued from the pen of its author. The two propositions which in effect President Monroe laid down were, first, that America was no longer to be looked upon as a field for European colonization; and, secondly, that Europe must not attempt to extend its political system to America, or to control the political condition of any of the American communities who had recently declared their independence.

The dangers against which President Monroe thought it right to guard were not as imaginary as they would seem at the present day. The formation of the Holy Alliance; the Congresses of Laybach and Verona; the invasion of Spain by France for the purpose of forcing upon the Spanish people a form of government which seemed likely to disappear, unless it was sustained by external aid, were incidents fresh in the mind of President Monroe when he penned his celebrated Message. The system of which he speaks, and of which he so resolutely deprecates the application to the American Continent, was the system then adopted by certain powerful States upon the Continent of Europe of combining to prevent by force of arms the adoption in other countries of political institutions which they disliked, and to uphold by external pressure those which they approved. Various portions of South America had recently declared their independence, and that independence had not been recognized by the Governments of Spain and Portugal, to which, with small exception, the whole of Central and South America were nominally subject. It was not an imaginary danger that he foresaw, if he feared that the same spirit which had dictated the French expedition into Spain might inspire the more powerful Governments of Europe with the idea of imposing, by the force of European arms, upon the South American communities the form of government and the political connection which they had thrown off. In declaring that the United States would resist any such enterprise if it was contemplated, President Monroe adopted a policy which received the entire sympathy of the English Government of that date.

The dangers which were apprehended by President Monroe have no relation to the state of things in which we live at the present day. There is no danger of any Holy Alliance imposing its system upon any portion of the Ameri-

can Continent, and there is no danger of any European State treating any part of the American Continent as a fit object for European colonization. It is intelligible that Mr. Olney should invoke, in defence of the views on which he is now insisting, an authority which enjoys so high a popularity with his own fellow-countrymen. But the circumstances with which President Monroe was dealing, and those to which the present American Government is addressing itself, have very few features in common. Great Britain is imposing no "system" upon Venezuela, and is not concerning herself in any way with the nature of the political institutions under which the Venezuelans may prefer to live. But the British Empire and the Republic of Venezuela are neighbours, and they have differed for some time past, and continue to differ, as to the line by which their dominions are separated. It is a controversy with which the United States have no apparent practical concern. It is difficult, indeed, to see how it can materially affect any State or community outside those primarily interested, except perhaps other parts of Her Majesty's dominions, such as Trinidad. The disputed frontier of Venezuela has nothing to do with any of the questions dealt with by President Monroe. It is not a question of the colonization by a European Power of any portion of America. It is not a question of the imposition upon the communities of South America of any system of government devised in Europe. It is simply the determination of the frontier of a British possession which belonged to the Throne of England long before the Republic of Venezuela came into existence. But even if the interests of Venezuela were so far linked to those of the United States as to give to the latter a *locus standi* in this controversy, their Government apparently have not formed, and certainly do not express, any opinion upon the actual merits of the dispute. The Government of the United States do not say that Great Britain, or that Venezuela, is in the right in the matters that are in issue. But they lay down that the doctrine of President Monroe, when he opposed the imposition of European systems, or the renewal of European colonization, confers upon them the right of demanding that when a European Power has a frontier difference with a South American community, the European Power shall consent to refer that controversy to arbitration; and Mr. Olney states that unless Her Majesty's Government accede to this demand, it will "greatly embarrass the future relations between Great Britain and the United States."

Whatever may be the authority of the doctrine laid down by President Monroe, there is nothing in his language to show that he ever thought of claiming this novel prerogative for the United States. It is admitted that he did not seek to assert a Protectorate over Mexico, or the States of Central and South America. Such a claim would have imposed upon the United States the duty of answering for the conduct of these States, and consequently the responsibility of controlling it. His sagacious foresight would have led him energetically to deprecate the addition of so serious a burden to those which the Rulers of the United States have to bear. It follows of necessity that if the Government of the United States will not control the conduct of these communities, neither can it undertake to protect them from the consequences attaching to any misconduct of which they may be guilty towards other nations. If they violate in any way the rights of another State, or of its subjects, it is not alleged that the Monroe doctrine will assure them the assistance of the United States in escaping from any reparation which they may be bound by international law to give. Mr. Olney expressly disclaims such an inference from the principles he lays down.

But the claim which he founds upon them is that, if any independent American State advances a demand for territory of which its neighbour claims to be the owner, and that neighbour is the colony of a European State, the United States have a right to insist that the European State shall submit the demand, and its own impugned rights to arbitration.

I will not now enter into a discussion of the merits of this method of terminating international differences. It has proved itself valuable in many cases; but it is not free from defects, which often operate as a serious drawback on its value. It is not always easy to find an Arbitrator who is competent, and who, at the same time, is wholly free from bias; and the task of insuring compliance with the Award when it is made is not exempt from difficulty. It is a mode of settlement of which the value varies much according to the nature of the controversy to which it is applied, and the character of the litigants who appeal to it. Whether, in any particular case, it is a suitable method of procedure is generally a delicate and difficult question. The only parties who are competent to decide that question are the two parties whose rival contentions are in issue. The claim of a third nation, which is unaffected by the controversy, to impose this particular procedure on either of the two others, cannot be reasonably justified, and has no foundation in the law of nations.

In the remarks which I have made, I have argued on the theory that the Monroe doctrine in itself is sound. I must not, however, be understood as expressing any acceptance of it on the part of Her Majesty's Government. It must always be mentioned with respect, on account of the distinguished statesman to whom it is due, and the great nation who have generally adopted it. But international law is founded on the general consent of nations; and no statesman, however eminent, and no nation, however powerful, are competent to insert into the code of international law a novel principle which was never recognized before, and which has not since been accepted by the Government of any other country. The United States have a right, like any other nation, to interpose in any controversy by which their own interests are affected; and they are the judge whether those interests are touched, and in what measure they should be sustained. But their rights are in no way strengthened or extended by the fact that the controversy affects some territory which is called American. Mr. Olney quotes the case of the recent Chilean war, in which the United States declined to join with France and England in an effort to bring hostilities to a close, on account of the Monroe doctrine. The United States were entirely in their right in declining to join in an attempt at pacification if they thought fit; but Mr. Olney's principle that "American questions are for American decision," even if it receive any countenance from the language of President Monroe (which it does not), can not be sustained by any reasoning drawn from the law of nations.

The Government of the United States is not entitled to affirm as a universal proposition, with reference to a number of independent States for whose conduct it assumes no responsibility, that its interests are necessarily concerned in whatever may befall those States simply because they are situated in the Western Hemisphere. It can well be that the interests of the United States are affected by something that happens to Chile or to Peru, and that that circumstance may give them the right of interference; but such a contingency may equally happen in the case of China or Japan, and the right of interference is not more extensive or more assured in the one case than in the other.

Though the language of President Monroe is directed to the attainment of objects which most Englishmen would agree to be salutary, it is impossible

to admit that they have been inscribed by any adequate authority in the code of international law; and the danger which such admission would involve is sufficiently exhibited both by the strange development which the doctrine has received at Mr. Olney's hands, and the arguments by which it is supported, in the despatch under reply. In defence of it he says:

> That distance and 3,000 miles of intervening ocean *make any permanent political union between a European and an American State unnatural and inexpedient* will hardly be denied. But physical and geographical considerations are the least of the objections to such a union. Europe has a set of primary interests which are peculiar to herself; America is not interested in them, and ought not to be vexed or complicated with them.

And, again:

> Thus far in our history we have been spared the burdens and evils of immense standing armies and all the other accessories of huge warlike establishments; and the exemption has highly contributed to our national greatness and wealth as well as to the happiness of every citizen. But *with the Powers of Europe permanently encamped on American soil*, the ideal conditions we have thus far enjoyed cannot be expected to continue.

The necessary meaning of these words is that the union between Great Britain and Canada; between Great Britain and Jamaica and Trinidad; between Great Britain and British Honduras or British Guiana are "inexpedient and unnatural." President Monroe disclaims any such inference from his doctrine; but in this, as in other respects, Mr. Olney develops it. He lays down that the inexpedient and unnatural character of the union between a European and American State is so obvious that it "will hardly be denied." Her Majesty's Government are prepared emphatically to deny it on behalf of both the British and American people who are subject to her Crown. They maintain that the union between Great Britain and her territories in the Western Hemisphere is both natural and expedient. They fully concur with the view which President Monroe apparently entertained, that any disturbance of the existing territorial distribution in that hemisphere by any fresh acquisitions on the part of any European State would be a highly inexpedient change. But they are not prepared to admit that the recognition of that expediency is clothed with the sanction which belongs to a doctrine of international law. They are not prepared to admit that the interests of the United States are necessarily concerned in every frontier dispute which may arise between any two of the States who possess dominion in the Western Hemisphere; and still less can they accept the doctrine that the United States are entitled to claim that the process of arbitration shall be applied to any demand for the surrender of territory which one of those States may make against another.

I have commented in the above remarks only upon the general aspect of Mr. Olney's doctrines, apart from the special considerations which attach to the controversy between the United Kingdom and Venezuela in its present phase. This controversy has undoubtedly been made more difficult by the inconsiderate action of the Venezuelan Government in breaking off relations with Her Majesty's Government, and its settlement has been correspondingly delayed; but Her Majesty's Government have not surrendered the hope that it will be adjusted by a reasonable arrangement at an early date.

I request that you will read the substance of the above despatch to Mr. Olney, and leave him a copy if he desires it.[75]

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[75] *Foreign Relations of the United States*, 1895, pt. I, pp. 563–567.

President Cleveland, in his annual message to Congress on December 2, 1895, commented upon the situation attaching to the British-Venezuelan boundary dispute in these words:

It being apparent that the boundary dispute between Great Britain and the Republic of Venezuela concerning the limits of British Guiana was approaching an acute stage, a definite statement of the interest and policy of the United States as regards the controversy seemed to be required both on its own account and in view of its relations with the friendly powers directly concerned. In July last, therefore, a dispatch was addressed to our ambassador at London for communication to the British Government, in which the attitude of the United States was fully and distinctly set forth. The general conclusions therein reached and formulated are in substance that the traditional and established policy of this Government is firmly opposed to a forcible increase by any European power of its territorial possessions on this continent; that this policy is as well founded in principle as it is strongly supported by numerous precedents; that as a consequence the United States is bound to protest against the enlargement of the area of British Guiana in derogation of the rights and against the will of Venezuela; that, considering the disparity in strength of Great Britain and Venezuela, the territorial dispute between them can be reasonably settled only by friendly and impartial arbitration, and that the resort to such arbitration should include the whole controversy, and is not satisfied if one of the powers concerned is permitted to draw an arbitrary line through the territory in debate and to declare that it will submit to arbitration only the portion lying on one side of it. In view of these conclusions, the dispatch in question called upon the British Government for a definite answer to the question whether it would or would not submit the territorial controversy between itself and Venezuela in its entirety to impartial arbitration. The answer of the British Government has not yet been received, but is expected shortly, when further communication on the subject will probably be made to the Congress.[76]

On December 17, 1895, President Cleveland transmitted certain correspondence to Congress with a special message in which he said:

In my annual message addressed to the Congress on the third instant I called attention to the pending boundary controversy between Great Britain and the Republic of Venezuela and recited the substance of a representation made by this Government to Her Britannic Majesty's Government suggesting reasons why such dispute should be submitted to arbitration for settlement, and inquiring whether it would be so submitted.

The answer of the British Government, which was then awaited, has since been received and, together with the dispatch to which it is a reply, is hereto appended.

Such reply is embodied in two communications addressed by the British Prime Minister to Sir Julian Pauncefote, the British Ambassador at this Capital. It will be seen that one of these communications is devoted exclusively to observations upon the Monroe doctrine, and claims that in the present instance a new and strange extension and development of this doctrine is insisted on by the United States, that the reasons justifying an appeal to the doctrine enunciated by President Monroe are generally inapplicable "to the state of

[76] *Foreign Relations of the United States*, 1895, pt. I, pp. xxviii–xxix.

things in which we live at the present day," and especially inapplicable to a controversy involving the boundary line between Great Britain and Venezuela.

Without attempting extended argument in reply to these positions it may not be amiss to suggest that the doctrine upon which we stand is strong and sound because its enforcement is important to our peace and safety as a nation, and is essential to the integrity of our free institutions and the tranquil maintenance of our distinctive form of government. It was intended to apply to every stage of our national life, and can not become obsolete while our Republic endures. If the balance of power is justly a cause for jealous anxiety among the governments of the old world, and a subject for our absolute noninterference, none the less is an observance of the Monroe doctrine of vital concern to our people and their Government.

Assuming, therefore, that we may properly insist upon this doctrine without regard to "the state of things in which we live," or any changed conditions here or elsewhere, it is not apparent why its application may not be invoked in the present controversy.

If a European power, by an extension of its boundaries, takes possession of the territory of one of our neighboring Republics against its will and in derogation of its rights, it is difficult to see why to that extent such European power does not thereby attempt to extend its system of government to that portion of this continent which is thus taken. This is the precise action which President Monroe declared to be "dangerous to our peace and safety," and it can make no difference whether the European system is extended by an advance of frontier or otherwise.

It is also suggested in the British reply that we should not seek to apply the Monroe doctrine to the pending dispute because it does not embody any principle of international law which "is founded on the general consent of nations," and that "no statesman, however eminent, and no nation, however powerful, are competent to insert into the code of international law a novel principle which was never recognized before, and which has not since been accepted by the Government of any other country."

Practically the principle for which we contend has peculiar if not exclusive relation to the United States. It may not have been admitted in so many words to the code of international law, but since in international councils every nation is entitled to the rights belonging to it, if the enforcement of the Monroe doctrine is something we may justly claim it has its place in the code of international law as certainly and as securely as if it were specifically mentioned, and where the United States is a suitor before the high tribunal that administers international law the question to be determined is whether or not we present claims which the justice of that code of law can find to be right and valid.

The Monroe doctrine finds its recognition in those principles of international law which are based upon the theory that every nation shall have its rights protected and its just claims enforced.

Of course this Government is entirely confident that under the sanction of this doctrine we have clear rights and undoubted claims. Nor is this ignored in the British reply. The Prime Minister, while not admitting that the Monroe doctrine is applicable to present conditions, states: "In declaring that the United States would resist any such enterprise if it was contemplated, President Monroe adopted a policy which received the entire sympathy of the English Government of that date." He further declares: "Though the language of President Monroe is directed to the attainment of objects which most Englishmen would agree to be salutary, it is impossible to admit that they have been

inscribed by any adequate authority in the code of international law." Again he says: "They (Her Majesty's Government) fully concur with the view which President Monroe apparently entertained, that any disturbance of the existing territorial distribution in the hemisphere by any fresh acquisitions on the part of any European State, would be a highly inexpedient change."

In the belief that the doctrine for which we contend was clear and definite, that it was founded upon substantial considerations and involved our safety and welfare, that it was fully applicable to our present conditions and to the state of the world's progress and that it was directly related to the pending controversy and without any conviction as to the final merits of the dispute, but anxious to learn in a satisfactory and conclusive manner whether Great Britain sought, under a claim of boundary, to extend her possessions on this continent without right, or whether she merely sought possession of territory fairly included within her lines of ownership, this Government proposed to the Government of Great Britain a resort to arbitration as the proper means of settling the question to the end that a vexatious boundary dispute between the two contestants might be determined and our exact standing and relation in respect to the controversy might be made clear.

It will be seen from the correspondence herewith submitted that this proposition has been declined by the British Government, upon grounds which in the circumstances seem to me to be far from satisfactory. It is deeply disappointing that such an appeal actuated by the most friendly feelings towards both nations directly concerned, addressed to the sense of justice and to the magnanimity of one of the great powers of the world and touching its relations to one comparatively weak and small, should have produced no better results.

The course to be pursued by this Government in view of the present condition does not appear to admit of serious doubt. Having labored faithfully for many years to induce Great Britain to submit this dispute to impartial arbitration, and having been now finally apprized of her refusal to do so, nothing remains but to accept the situation, to recognize its plain requirements and deal with it accordingly. Great Britain's present proposition has never thus far been regarded as admissible by Venezuela, though any adjustment of the boundary which that country may deem for her advantage and may enter into of her own free will cannot of course be objected to by the United States.

Assuming, however, that the attitude of Venezuela will remain unchanged, the dispute has reached such a stage as to make it now incumbent upon the United States to take measures to determine with sufficient certainty for its justification what is the true divisional line between the Republic of Venezuela and British Guiana. The inquiry to that end should of course be conducted carefully and judicially and due weight should be given to all available evidence, records and facts in support of the claims of both parties.

In order that such an examination should be prosecuted in a thorough and satisfactory manner I suggest that the Congress make an adequate appropriation for the expenses of a Commission, to be appointed by the Executive, who shall make the necessary investigation and report upon the matter with the least possible delay. When such report is made and accepted it will in my opinion be the duty of the United States to resist by every means in its power as a willful aggression upon its rights and interests the appropriation by Great Britain of any lands or the exercise of governmental jurisdiction over any territory which after investigation we have determined of right belongs to Venezuela.

In making these recommendations I am fully alive to the responsibility incurred, and keenly realize all the consequences that may follow.

I am nevertheless firm in my conviction that while it is a grievous thing to contemplate the two great English-speaking peoples of the world as being otherwise than friendly competitors in the onward march of civilization, and strenuous and worthy rivals in all the arts of peace, there is no calamity which a great nation can invite which equals that which follows a supine submission to wrong and injustice and the consequent loss of national self respect and honor beneath which are shielded and defended a people's safety and greatness.[77]

1897

Haiti

A German subject in Haiti having been arrested, thrown into prison, tried and sentenced, the German Government demanded the removal from office of the justices who convicted the man, the imprisonment of the officer who made the charge upon which he was arrested and indemnity of $1,000 a day for every day's imprisonment before a second judgment had been passed and $5,000 a day for every day thereafter. The Haitian Government declined to accede to this demand and desired to refer the matter to arbitration. The German Government on its part declined this offer and then demanded that the President should make the "amende honorable," by hearing read a despatch from the Emperor and by paying an indemnity of $20,000. The Haitian Government at first declined either to make the apology or to pay the indemnity. It afterwards agreed to pay the indemnity.

On December 6, 1897, at 6 a. m. two German naval vessels arrived in the harbor of Port au Prince. The commander demanded, under penalty of shelling all the public buildings and forts at 1 o'clock of the same day, that the Haitian Government accede to the following demands: (1) Payment of an indemnity of $30,000; (2) the return of Leuders (the man arrested) and responsibility for his safety; (3) an apology for the treatment of the German Emperor's representatives; (4) the renewal of relations and the prompt acceptance of a German representative. Haiti yielded.

The matter having been called to the attention of this Government, Secretary Sherman in an instruction to Mr. Powell, our Minister in Haiti, declared:

. . . This Government is not under any obligation to become involved in the constantly recurring quarrels of the Republics of this hemisphere with other states. The Monroe Doctrine to which you refer, is wholly inapplicable to the case, and the relations and interests of this government with its neighbors are not benefitted by erroneous conceptions of the scope of the policy announced by President Monroe and since strictly followed.[78]

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[77] *Foreign Relations of the United States*, 1895, pt. I, pp. 542–545.

[78] MS., Instructions, Haiti, vol. IV, pp. 23–24; Moore, *International Law Digest*, vol. VI, p. 475.

1898

Haiti

The Government of Haiti having expressed a desire, born of the "severe lesson" given by Germany over the "Leuders" incident, requested the American Minister in Haiti "to get the views of the Government of the United States, to arrange for a new treaty, in which they desire a closer alliance with us, virtually placing themselves under our protection." Secretary Sherman replying to this inquiry under date of January 11, 1898, instructed Mr. Powell as follows:

. . . It would be unfortunate, if, by your reception of the overtures you now report, or in your intercourse with the Haitian administration or its friends, you have encouraged any impression that this government entertains a policy in this relation other than that to which it has scrupulously adhered from the beginnings of our national life.

You cannot be unaware that the proposal for a Congress of the American States to be held in Panama in 1825–6, rested on the theory that all of them, with the United States at their head, should stand pledged to mutual protection against foreign aggression looking to interference with their political organization, yet even as to this important aspect of the question, this country held aloof, in the conviction that in any such system, "the United States would necessarily be its protector, and the party responsible to the world, while the Spanish-American States would get the benefits of a system of mutual protection which the United States did not need." (See Dana's Wheaton, page 101, foot-note.)

Moreover, protectorates over our neighbors have never been advocated in our foreign policy, being contrary to the principles upon which this government is founded. A protectorate, however qualified, assumes a greater or less degree of responsibility on the part of the protector for the acts of the protected State, without the ability to shape or control these acts, unless the relation created be virtually that of colonial dependency, with paramount intervention of the protector in the domestic concerns of the protected community. Any such relation is obviously out of the question in an arrangement between sovereign states, and would assuredly never be proposed by a State so jealous of its independence as Haiti.

These observations are made for your personal guidance in dealing with the embarrassing suggestions which, it would seem, are made to you by well-meaning persons, who have not considered the subject in its true lights. They are not intended for communication to such persons. You certainly should not proceed on the hypothesis, that it is the duty of the United States to protect its American neighbors from the responsibilities which attend the exercise of independent sovereignty.

It behooves me to enjoin upon you the utmost circumspection and reticence as to matters of this character in your intercourse with the Haitians, in order that your representative utility be not impaired, nor the true policies of your government be misunderstood.[79]

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[79] MS., Instructions, Haiti, vol. III, pp. 630 633; Moore, *International Law Digest*, vol. VI, pp. 475–476.

1899

Declaration at the First Hague Conference

At the seventh plenary meeting (July 25, 1899) of the Hague Conference, the President of the conference read the following declaration:

The delegation of the United States of America on signing the Convention for the pacific settlement of international disputes, as proposed by the International Peace Conference, makes the following declaration:

> Nothing contained in this Convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions or policy of international administration of any foreign State; nor shall anything in the said Convention be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions.[80]

1901

President Roosevelt

President Roosevelt, commenting upon the reservation made by the American Commissioners to the First Hague Conference on July 25, 1899, made the following statement in his annual message of December 3, 1901:

This same peace conference acquiesced in our statement of the Monroe Doctrine as compatible with the purposes and aims of the conference.

The Monroe Doctrine should be the cardinal feature of the foreign policy of all the nations of the two Americas, as it is of the United States. Just seventy-eight years have passed since President Monroe in his Annual Message announced that "The American continents are henceforth not to be considered as subjects for future colonization by any European power." In other words, the Monroe Doctrine is a declaration that there must be no territorial aggrandizement by any non-American power at the expense of any American power on American soil. It is in no wise intended as hostile to any nation in the Old World. Still less is it intended to give cover to any aggression by one New World power at the expense of any other. It is simply a step, and a long step, toward assuring the universal peace of the world by securing the possibility of permanent peace on this hemisphere.

During the past century other influences have established the permanence and independence of the smaller states of Europe. Through the Monroe Doctrine we hope to be able to safeguard like independence and secure like permanence for the lesser among the New World nations.

This doctrine has nothing to do with the commercial relations of any American power, save that it in truth allows each of them to form such as it desires. In other words, it is really a guaranty of the commercial independence of the Americas. We do not ask under this doctrine for any exclusive commercial dealings with any other American state. We do not guarantee any state against punishment if it misconducts itself, provided that punish-

[80] *Proceedings of the Hague Peace Conferences; the Conference of 1899*, (translation of the Carnegie Endowment for International Peace), pp. 99–100.

ment does not take the form of the acquisition of territory by any non-American power.[81]

Margarita, a coast-island of Venezuela

On April 10, 1901, Secretary Hay instructed the American Chargé, Mr. Jackson, at Berlin, as follows:

I enclose a copy of a letter addressed to me by the Secretary of the Navy, under date of the 8th instant, with its annexes, communicating a report from the Commanding officer of the United States S. S. *Scorpion* touching rumors now current that the acquisition of the Venezuelan coast-island of Margarita by the German Government is contemplated.

This matter is not brought to your attention in order that a formal interpellation on the subject shall be made of the Imperial Government, but with a view to discreet inquiries as to the basis, if any, for this rumor. Having in sight the long declared and widely known policy of this Government in such matters, you will be at liberty, should the project appear to have any credible foundation, to intimate, with like discretion and informality but with distinctness, that any attempted realization of the scheme would be a source of concern to this government, if not tending to the embarrassment of the cordial and frank relations we are so desirous to maintain with the German Empire.[82]

1903

Venezuela

In this year there came to a head difficulties between the Venezuelan Government and various European governments as a result of which the famous pacific blockade of Venezuelan ports was instituted.

1904

Venezuela

President Roosevelt in his annual message of December 6, 1904, made the following comments:

It is not true that the United States feels any land hunger or entertains any projects as regards the other nations of the Western Hemisphere save such as are for their welfare. All that this country desires is to see the neighboring countries stable, orderly, and prosperous. Any country whose people conduct themselves well can count upon our hearty friendship. If a nation shows that it knows how to act with reasonable efficiency and decency in social and political matters, if it keeps order and pays its obligations, it need fear no interference from the United States. Chronic wrongdoing, or an impotence which results in a general loosening of the ties of civilized society, may in America, as elsewhere, ultimately require intervention by some civilized nation, and in the Western Hemisphere the adherence of the United States to the Monroe Doctrine may force the United States, however reluctantly, in flagrant cases of such wrongdoing or impotence, to the exercise of an international police power. If every country washed by the Caribbean Sea would show the progress in stable and just civilization which with the aid of the Platt amendment

[81] *Messages and Papers of the Presidents* (1917 ed.), vol xv, pp. 6662–6663.
[82] MS., Instructions, Germany, vol. xxi, p. 283.

Cuba has shown since our troops left the island, and which so many of the republics in both Americas are constantly and brilliantly showing, all question of interference by this Nation with their affairs would be at an end. Our interests and those of our southern neighbors are in reality identical. They have great natural riches, and if within their borders the reign of law and justice obtains, prosperity is sure to come to them. While they thus obey the primary laws of civilized society they may rest assured that they will be treated by us in a spirit of cordial and helpful sympathy. We would interfere with them only in the last resort, and then only if it became evident that their inability or unwillingness to do justice at home and abroad had violated the rights of the United States or had invited foreign aggression to the detriment of the entire body of American nations. It is a mere truism to say that every nation, whether in America or anywhere else, which desires to maintain its freedom, its independence, must ultimately realize that the right of such independence can not be separated from the responsibility of making good use of it.

In asserting the Monroe Doctrine, in taking such steps as we have taken in regard to Cuba, Venezuela, and Panama, and in endeavoring to circumscribe the theater of war in the Far East, and to secure the open door in China, we have acted in our own interest as well as in the interest of humanity at large.[83]

1907

Declaration at the Second Hague Conference

At the ninth plenary meeting (October 16, 1907) of the Second Hague Conference, Mr. Hill representing the United States made the following announcement:

The delegation of the United States of America renews the reservation it made in 1899 relative to Article 48 of the Convention for the pacific settlement of international disputes in the form of the following declaration:

> Nothing contained in this Convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign State; nor shall anything contained in the said Convention be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions.[84]

1911

Secretary Knox

Secretary Knox, speaking before the American Society for the Judicial Settlement of International Disputes on November 8, 1911, made the following comments:

. . . The maintenance of the Monroe Doctrine is considered by us essential to our peace, prosperity, and national safety. Other nations know we so regard it. The doctrine does not need to be founded upon a technical legal right of international law, for it is a matter of grave, far-reaching, and, to us, vitally

[83] *Messages and Papers of the Presidents* (1917 ed.), vol. XVI, pp. 7053–7054.

[84] *Proceedings of the Hague Peace Conferences: the Conference of 1907* (translation of the Carnegie Endowment for International Peace), vol. I, p. 329.

important policy. A nation putting itself in the attitude toward the United States of deliberately violating the Monroe Doctrine could not expect to find in the treaty terms protection against the consequences of such an act. The doctrine has been respected and is now respected and it will continue to be respected so long as we seem reasonably able to uphold it. It does not depend upon technical legal right, but upon policy and power. Therefore, it is not, and no reasonable man or set of men would claim it to be, a justiciable question any more than they would hold that the question of the European balance of power is justiciable. It is not to be thought that any Power would suggest either question as a proper subject for arbitration in the future as no Power has sought to do so in the past.[85]

Secretary Knox was speaking of the treaties of arbitration which had been negotiated between the United States and Great Britain, and the United States and France, and which were then pending before the Senate of the United States.

1912

Mr. Lodge

Mr. Lodge introduced into the Senate, July 31, 1912, Resolution 371 (which subsequently was passed), which read:

. . . when any harbor or other place in the American continents is so situated that the occupation thereof for naval or military purposes might threaten the communications or the safety of the United States, the Government of the United States could not see without grave concern the possession of such harbor or other place by any corporation or association which has such a relation to another Government, not American, as to give that Government practical power of control for national purposes.[86]

In discussing this resolution, Senator Lodge used this language:

. . . this resolution rests on a generally accepted principle of the law of nations, older than the Monroe doctrine. It rests on the principle that every nation has a right to protect its own safety, and that if it feels that the possession by a foreign power, for military or naval purposes, of any given harbor or place is prejudicial to its safety, it is its duty as well as its right to interfere.

. . . . .

The Monroe doctrine was, of course, an extension in our own interests of this underlying principle—the right of every nation to provide for its own safety. The Monroe doctrine, as we all know, was applied, so far as the taking possession of territory was concerned, to its being open to further colonization, and naturally did not touch upon the precise point involved here. But without any Monroe doctrine the possession of a harbor such as that of Magdalena Bay, which has led to this resolution, would render it necessary, I think, to make some declaration covering a case where a corporation or association was involved.

. . . . .

The resolution is merely a statement of policy, allied to the Monroe doctrine, of course, but not necessarily dependent upon it or growing out of it.[87]

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[85] *Speeches of Philander C. Knox*, No. 6, pp. 31–33.

[86] *Congressional Record*, vol. 48, pt. 10, p. 10045

[87] *Ibid.*

1914

Mr. Root

Mr. Root, speaking before the American Society of International Law on April 22, 1914, on the subject "The Real Monroe Doctrine" made the following declarations:

. . . It is a declaration of the United States that certain acts would be injurious to the peace and safety of the United States and that the United States would regard them as unfriendly. [P. 10.]

The doctrine is not international law, but it rests upon the right of self-protection and that right is recognized by international law. [P. 11.]

We frequently see statements that the doctrine has been changed or enlarged; that there is a new or different doctrine since Monroe's time. They are mistaken. There has been no change. [P. 12.]

The scope of the doctrine is strictly limited. It concerns itself only with the occupation of territory in the new world to the subversion or exclusion of a preexisting American government. [P. 16.]

As the Monroe Doctrine neither asserts nor involves any right of control by the United States over any American nation, it imposes upon the United States no duty towards European Powers to exercise such a control. It does not call upon the United States to collect debts or coerce conduct or redress wrongs or avenge injuries. If matters ever come to a point where in any American country the United States intervenes by force to prevent or end an occupation of territory to the subversion or exclusion of an American government, doubtless new rights and obligations will arise as a result of the acts done in the course of the intervention. Unless such a situation shall have arisen there can be no duty on the part of the United States beyond the exercise of good offices as between equal and independent nations. [P. 18.]

Since the Monroe Doctrine is a declaration based upon this nation's right of self-protection, it cannot be transmuted into a joint or common declaration by American states or any number of them. [P. 19.]

A false conception of what the Monroe Doctrine is, of what it demands and what it justifies, of its scope and of its limits, has invaded the public press and affected public opinion within the past few years. Grandiose schemes of national expansion invoke the Monroe Doctrine. Interested motives to compel Central or South American countries to do or refrain from doing something by which individual Americans may profit invoke the Monroe Doctrine. Clamors for national glory for minds too shallow to grasp at the same time a sense of national duty invoke the Monroe Doctrine. The intolerance which demands that control over the conduct and the opinions of other peoples which is the essence of tyranny invoke the Monroe Doctrine. Thoughtless people who see no difference between lawful right and physical power assume that the Monroe Doctrine is a warrant for interference in the internal affairs of all weaker nations in the New World. Against this suppositious doctrine, many protests both in the United States and in South America have been made, and justly

made. To the real Monroe Doctrine these protests have no application. [P. 21.] [88]

1916

President Wilson

On January 6, 1916, President Wilson, addressing the Second Pan American Scientific Congress, made the following statement pertaining to the Monroe Doctrine:

The Monroe Doctrine was proclaimed by the United States on her own authority. It always has been maintained, and always will be maintained, upon her own responsibility. But the Monroe Doctrine demanded merely that European Governments should not attempt to extend their political systems to this side of the Atlantic. It did not disclose the use which the United States intended to make of her power on this side of the Atlantic. It was a hand held up in warning, but there was no promise in it of what America was going to do with the implied and partial protectorate which she apparently was trying to set up on this side of the water; and I believe you will sustain me in the statement that it has been fears and suspicions on this score which have hitherto prevented the greater intimacy and confidence and trust between the Americas. The States of America have not been certain what the United States would do with her power. That doubt must be removed. And latterly there has been a very frank interchange of views between the authorities in Washington and those who represented the other States of this hemisphere, an interchange of views charming and hopeful, because based upon an increasingly sure appreciation of the spirit in which they were undertaken. These gentlemen have seen that if America is to come into her own, into her legitimate own, in a world of peace and order, she must establish the foundations of amity so that no one will hereafter doubt them.

I hope and I believe that this can be accomplished. These conferences have enabled me to foresee how it will be accomplished. It will be accomplished in the first place, by the States of America uniting in guaranteeing to each other absolutely political independence and territorial integrity. In the second place, and as a necessary corollary to that, guaranteeing the agreement to settle all pending boundary disputes as soon as possible and by amicable process; by agreeing that all disputes among themselves, should they unhappily arise, will be handled by patient, impartial investigation, and settled by arbitration; and the agreement necessary to the peace of the Americas, that no State of either continent will permit revolutionary expeditions against another State to be fitted out on its territory, and that they will prohibit the exportation of the munitions of war for the purpose of supplying revolutionists against neighboring Governments. [89]

1923

Mr. Hughes

In an article printed in the *American Journal of International Law*,[90] Mr. Hughes made these statements:

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[88] *Proceedings of the American Society of International Law*, 1914, pp. 10–22.

[89] *The Public Papers of Woodrow Wilson: The New Democracy*, vol. I, pp. 443–444.

[90] Vol. XVII, 1923, p. 611.

. . . The Monroe Doctrine is not a policy of aggression: it is a policy of self-defense. . . . It still remains an assertion of the principle of national security. As such, it is obviously not exclusive.

The decision of the question as to what action the United States should take in any exigency arising in this hemisphere is not controlled by the content of the Monroe Doctrine, but may always be determined on grounds of international right and national security as freely as if the Monroe Doctrine did not exist.

The Monroe Doctrine rests "upon the right of every sovereign state to protect itself by preventing a condition of affairs in which it will be too late to protect itself."

Speaking to the American Academy of Political and Social Science, on November 30, 1923, on "The Centenary of the Monroe Doctrine," Mr. Hughes declared:

. . . It should be recognized that the Doctrine is only a phase of American policy in this hemisphere and the other phases of that policy should be made clear.

. . . The principle of exclusion embodies a policy of self-defense on the part of the United States; it is a policy set up and applied by the United States. While the Monroe Doctrine is thus distinctively a policy of the United States maintained for its own security, it is a policy which has rendered an inestimable service to the American Republics by keeping them free from the intrigues and rivalries of European Powers.

But fully recognizing the value of the Doctrine, it still remains true that it simply states a principle of opposition to action by non-American powers.[91]

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[91] International Conciliation, *Documents for the year 1924*, No. 194, pp. 14–15.

THE MONROE DOCTRINE IS NOT APPLICABLE TO THE POSSESSIONS HELD BY EUROPEAN POWERS IN 1823

President Monroe in his message declared:

. . . With the existing colonies or dependencies of any European power we have not interfered and shall not interfere.[1]

This provision has been more than once referred to and the principle reiterated.

In connection with the dispute between Great Britain and the Argentine Republic concerning the title to the Falkland Islands, Mr. Bayard, Secretary of State, expressed himself on March 18, 1886, to Mr. Quesada as follows:

As the resumption of actual occupation of the Falkland islands by Great Britain in 1833, took place under a claim of title which had been previously asserted and maintained by that Government, it is not seen that the Monroe doctrine, which has been invoked on the part of the Argentine Republic, has any application to the case. By the terms in which that principle of international conduct was announced, it was expressly excluded from retroactive operation.[2]

In Mr. Olney's instruction of July 20, 1895, to Mr. Bayard, American Ambassador to England, regarding the British-Venezuelan dispute concerning the boundary between British Guiana and Venezuela, the same principle was announced. He said:

The declaration of the Monroe message—that existing colonies or dependencies of an European power would not be interfered with by the United States—means colonies or dependencies then existing, with their limits as then existing. So it has been invariably construed, and so it must continue to be construed unless it is to be deprived of all vital force.[3]

This observation of Mr. Olney was made with reference to a suggestion that since Great Britain owned British Guiana, Great Britain was therefore an American state—a suggestion which Mr. Olney repudiated.

With reference to the relationship of the Monroe Doctrine to the territorial integrity of Latin American States as against the encroachments of the colonies held by Europeans, and in reply to an observation by Mr. Niles, Senator from Connecticut, who "brought

[1] Richardson's *Messages and Papers of the Presidents*, vol. II, p. 218.
[2] MS., Notes to the Argentine Republic, vol. VI, p. 260.
[3] *Foreign Relations of the United States*, 1895, pt. 1, pp. 559–560.

the subject to the attention of the Senate, as a warning against the responsibilities that might be involved in the views which he understood certain members of the Senate to hold," Mr. Cass, in 1848, expressed himself as follows:

. . . The honorable Senator from Connecticut [Mr. Niles] considers the reiteration of the principle by the present Executive, and perhaps its original announciation by Mr. Monroe, as *the* claim of a right to regulate all the affairs of this continent, so far as respects Europeans. But this, sir, is an entire misconception of the whole subject. It has, however, prevailed somewhat extensively, both here and elsewhere, though it seems to me that the slightest consideration of the messages referred to would have corrected, or rather prevented, this flagrant error. Neither of these Presidents, the past nor the present, assumed to interfere with any existing rights of other nations upon this continent. Neither of them called in question their right to hold and improve the colonies they possessed, at their own pleasure. Such an assumption would have been equally obtrusive and ineffectual; and how the opinion could have prevailed that has been advanced, no one can tell; for, in the documents themselves, the true doctrine is cautiously guarded, and existing rights considered as unassailable.[4]

A corollary of the principle that the Monroe Doctrine should not be applied retroactively so as to affect European colonies existing at the time of its declaration, is to be found in President Grant's message to Congress of December 6, 1869, where, after adverting to the attitude of the United States toward Latin American States, he said:

The United States have no disposition to interfere with the existing relations of Spain to her colonial possessions on this continent. They believe that in due time Spain and other European powers will find their interest in terminating those relations and establishing their present dependencies as independent powers—members of the family of nations. These dependencies are no longer regarded as subject to transfer from one European power to another. When the present relation of colonies ceases, they are to become independent powers, exercising the right of choice and of self-control in the determination of their future condition and relations with other powers.[5]

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[4] *Congressional Globe*, 30th Cong., 1st sess., app., p. 614.

[5] Richardson's *Messages and Papers of the Presidents*, vol. VII, p. 32.

THE MONROE DOCTRINE IS NOT A PLEDGE BY THE UNITED STATES AND DOES NOT CREATE AN OBLIGATION TO BE MET BY THE UNITED STATES

On January 3, 1828, Mr. Clay, Secretary of State, instructing Mr. Forbes, the American Chargé d'Affaires at Buenos Aires, made the following observation as glossed and quoted by Mr. Moore:

> . . . The declaration was made by the President as the head of the executive government, and, although there was every reason to believe that the policy which it announced was in conformity with the opinion both of the nation and of Congress, "the declaration must be regarded as having been voluntarily made, and not as conveying any pledge or obligation, the performance of which foreign nations have a right to demand."[1]

In the note of Mr. Bayard to Mr. Quesada of March 18, 1886, already quoted from, the following passage occurs in reference to the suggestion that the United States invoke the Monroe Doctrine in relation to the dispute between Great Britain and Argentina over the Falkland Islands, and with reference to Mr. Bayard's statement that the Doctrine was not retroactive:

> If the circumstances had been different, and the acts of the British Government had been in violation of that doctrine, this Government could never regard its failure to assert it as creating any liability to another power for injuries it may have sustained in consequence of the omission.[2]

Mr. Dana, in his note 36 to Wheaton's text, states:

> The Spanish-American States had appeared to understand Mr. Monroe's message as "a pledge," by the United States, to the other American States, of mutual support in maintaining this doctrine; and to consider the United States bound to join with them in some alliance, offensive and defensive, for that purpose. Congress was unwilling to adopt a policy of entangling alliances. A resolution of the House of Representatives declared that the United States "ought not to become parties with the Spanish-American republics, or either of them, to any joint declaration for the purpose of preventing the interference of any of the European powers with their independence or form of government, or to any compact for the purpose of preventing colonization upon the continents of America; but that the people of the United States should be left free to act, in any crisis, in such a manner as their feelings of friendship towards these republics, and as their own honor and policy may at the time dictate."[3]

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[1] Moore, *International Law Digest*, vol. VI, p. 434.

[2] MS., Notes to the Argentine Republic, vol. VI, pp. 260–261.

[3] Wheaton, *Elements of International Law*, 8th ed. (Dana), p. 100.

In a passage already quoted, Secretary Clay glossing an instruction to Mr. Poinsett, our Minister to Mexico, said:

. . . The United States have contracted no Engagement, nor made any Pledge to the Governments of Mexico and South America, or to either of them, that The United States would not permit the interference of any Foreign Powers, with the Independence or form of Government of those Nations: nor have any Instructions been issued, authorizing any such Engagement or Pledge. It will be seen that the Message of the late President of The United States of the 2d December, 1823, is adverted to in the Extracts now furnished from the Instructions to Mr. Poinsett, and that he is directed to impress its principles upon the Government of The United Mexican States.

All apprehensions of the danger, to which Mr. Monroe alludes, of an interference, by the Allied Powers of Europe, to introduce their Political Systems into this Hemisphere, have ceased. If, indeed, an attempt by force had been made, by Allied Europe, to subvert the Liberties of the Southern Nations on this Continent, and to erect, upon the ruins of their Free Institutions, Monarchical Systems, the People of The United States would have stood pledged, in the opinion of their Executive, not to any Foreign State, but to themselves and to their posterity, by their dearest interests, and highest duties, to resist, to the utmost, such attempt; and it is to a Pledge of that character that Mr. Poinsett alone refers.[4]

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[4] *British and Foreign State Papers*, vol. XIII, pp. 484–485.

THE MONROE DOCTRINE IS SAID NEVER TO HAVE RECEIVED THE SANCTION OF CONGRESS

In Dana's note 36 to Wheaton's paragraph 67 he makes the following comment with reference to the action of the Congress of the United States regarding the Monroe Doctrine:

It is to be borne in mind that the declarations known as the Monroe Doctrine have never received the sanction of an act or resolution of Congress; nor have they any of that authority which European governments attach to a royal ordinance. They are, in fact, only the declarations of an existing administration of what its own policy would be, and what it thinks should ever be the policy of the country, on a subject of paramount and permanent interest. Thus, at the same session in which the message was delivered, Mr. Clay introduced the following resolution: "That the people of these States would not see, without serious inquietude, any forcible interposition by the allied powers of Europe, in behalf of Spain, to reduce to their former subjection those parts of the continent of America which have proclaimed and established for themselves, respectively, independent governments, and which have been solemnly recognized by the United States." But this resolution was never brought up for action or discussion. It is seen also, by the debates on the Panama mission and the Yucatan intervention, that Congress has never been willing to commit the nation to any compact or pledge on this subject, or to any specific declaration of purpose or methods, beyond the general language of the message.

In the debates on the Clayton-Bulwer treaty, in 1855–56, above referred to, all the speakers seemed to agree to this position of the subject. Mr. Clayton said: "In reference to this particular territory, I would not hesitate at all, as one Senator, to assert the Monroe Doctrine and maintain it by my vote; but I do not expect to be sustained in such a vote by both branches of Congress. Whenever the attempt has been made to assert the Monroe Doctrine in either branch of Congress, it has failed. The present Democratic party came into power, after the debate on the Panama mission, on the utter abnegation of the whole doctrine, and stood upon Washington's doctrine of non-intervention. You cannot prevail on a majority, and I will venture to say that you cannot prevail on one-third, of either house of Congress to sustain it." Mr. Cass said: "Whenever the Monroe Doctrine has been urged, either one or the other house of Congress, or both houses, did not stand up to it." Mr. Seward said: "It is true that each house of Congress has declined to assert it; but the honorable senators must do each house the justice to acknowledge that the reason why they did decline to accept the doctrine was, that it was proposed, as many members thought, as an abstraction, unnecessary, not called for at the time." Mr. Mason spoke of it as having "never been sanctioned or recognized by any constitutional authority." Mr. Cass afterwards, in a very elaborate speech (of Jan. 28, 1856), gave his views of the history and character of the doctrine. He placed it upon very high ground, as a declaration not only against European intervention or future colonization, but against the acquisition of dominion on the continent by European powers, by whatever mode or however derived; and seemed to consider it

as a pledge to resist such a result by force, if necessary, in any part of the continent. He says: "We ought years ago, by Congressional interposition, to have made this system of policy an American system, by a solemn declaration; and, if we had done so, we should have spared ourselves much trouble and no little mortification." Referring to Mr. Polk's message, in 1845, he said there was then an opportunity for Congress to adopt the doctrine, not as an abstraction, but on a practical point. "We refused to say a word; and, I repeat, we refused then even to take the subject into consideration." He denied the correctness of Mr. Calhoun's explanation (*vide supra*), and contended that the non-colonization clause was intended to be, and understood by England to be, a foreclosure of the whole continent against all future European dominion, however derived. It may well be said, however, and such seems now to be the prevalent opinion, that the complaints of Mr. Cass and others of his school, of the neglect and abandonment of the Monroe Doctrine, apply rather to their construction of the doctrine than to the doctrine itself.[1]

It should be observed, however, that on April 4, 1864, the House passed without dissent a resolution which contemplated that—

> . . . the Congress of the United States are unwilling by silence to leave the nations of the world under the impression that they are indifferent spectators of the deplorable events now transpiring in the Republic of Mexico, and that they therefore think fit to declare that it does not accord with the policy of the United States to acknowledge any monarchical Government erected on the ruins of any republican Government in America under the auspices of any European Power.[2]

While this resolution does not in terms refer to the Monroe Doctrine, nevertheless, its provisions are such as to leave little doubt that the Monroe Doctrine was in the mind of the House when this resolution was passed.

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[1] Wheaton, *Elements of International Law*, 8th ed. (Dana), pp. 109–110.

[2] *Congressional Globe*, vol. 57, pt. 2, p. 1408.

THE MONROE DOCTRINE IS NOT APPLICABLE TO WARS BETWEEN AMERICAN STATES

Mr. Clay in his instruction to Mr. Forbes of January 3, 1828, with reference to the war then waging between the Argentine Republic and the Emperor of Brazil, stated that it could not be conceived—

> . . . as presenting a state of things bearing the remotest analogy to the case which President Monroe's message deprecates. It is a war strictly American in its origin and its object. It is a war in which the Allies of Europe have taken no part. Even if Portugal and the Brazils had remained united, and the war had been carried on by their joint arms, against the Argentine Republic, that would have been far from presenting the case which the message contemplated.[1]

[1] MS., Instructions to United States Ministers, vol. XII, p. 51.

THE MONROE DOCTRINE HAS BEEN HELD INAPPLICABLE TO A WAR BETWEEN A PARENT COUNTRY AND ITS FORMER COLONY

In 1825 the Brazilian Chargé d'Affaires proposed upon behalf of his government:

> . . . (1) that the United States should enter into an alliance with Brazil to maintain its independence, if Portugal should be assisted by any foreign power to reestablish her former sway, and (2) that an alliance might be formed to expel the arms of Portugal from any part of the Brazilian territory of which they might happen to take possession.[1]

Mr. Clay, replying to this suggestion, pointed out that an early peace seemed imminent, thus disposing of the first suggestion; and that as to the second suggestion, should the allies undertake to join with Portugal the President would give to the situation such consideration as it would seem to demand. As to the treaty, Mr. Clay added, however, that the suggested alliance would be contrary to the policy the United States had pursued, which was, "that whilst the war is confined to the parent Country and its former Colony, the United States remain neutral, extending their friendship and doing equal justice to both parties."[2]

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[1] Moore, *International Law Digest*, vol. VI, p. 437.

[2] MS., Notes to Foreign Legations, vol. III, p. 213.

THE MONROE DOCTRINE COVERS REANNEXATION BY SPAIN

This principle was announced on April 2, 1861, when, having received a report of the subversion of the Dominican Republic by Spanish authorities in Cuba with the aim of establishing a Spanish protectorate over that Republic or of annexing the territory to Spain, Secretary Seward declared in a note to Mr. Tassara, the Spanish Minister at Washington, that if these proceedings were sanctioned by the Spanish Government the President would be obliged to regard them as manifesting an unfriendly spirit towards the United States, and to meet the further prosecution of enterprises of that kind in regard to either the Dominican Republic or any part of the American Continent or islands with a prompt, persistent and, if possible, effective resistance.[1]

A few weeks later Mr. Seward instructed our Minister to Spain as follows:

. . . we are informed by what seems reliable authority, that the Dominican Republic on the Island of San Domingo has been overthrown by a force introduced there by subjects of Spain who proceeded thither from the Island of Cuba. And on authority equally probable we are informed that the Government of Her Catholic Majesty has been speedily proclaimed on the subversion of the republic, and that this proclamation is maintained by a very large detachment of the Spanish army stationed in the West Indies. [P. 268.]

By direction of the President, I have called the attention of the minister plenipotentiary of Her Catholic Majesty at this place to these very extraordinary facts and asked for an explanation thereof. You are furnished with a copy of that communication and also with a copy of Mr. Tassara's reply. He having promised to communicate farther after consulting his Government, the President awaits that communication before taking any decisive measure concerning the transaction. You are authorized and instructed to call the attention of the Spanish Government to the subject, and in such manner as you can adopt without impropriety, urge the necessity of a prompt and satisfactory explanation. For this purpose you are authorized to say that the President will regard any attempt of Her Catholic Majesty's Government to retain the territory of the late Dominican Republic as a matter claiming very serious attention on the part of the Government of the United States. [P. 269.]

The United States have a traditional policy in regard to the islands of Cuba and Porto Rico, which are dependencies of Spain. In view of the propinquity of those islands to our own coast, the United States have felt it their right and duty to watch them and prevent their falling into the hands of an inimical power. They have constantly indulged the belief that they might hope at some

[1] MS., Notes to the Spanish Legation, vol. VII, p. 203.

day to acquire those islands by just and lawful means, with the consent of their sovereign. In the meantime the United States have believed it to be most conducive to their present and ulterior safety and interests that Cuba and Porto Rico remain in the possession and ownership of Spain. [P. 268.]

Although there have been times when a disposition to deviate from this policy has been manifested by some parties, yet it has nevertheless been persevered in with great fidelity on the part of the Government. The President is satisfied of the wisdom of this course and is well inclined to adhere to it as steadily as any of his predecessors. [P. 268.]

But it must be borne in mind that this forbearance on our part has always proceeded on the ground that Spain is not an aggressive Power, and that she is content to leave the Spanish American independent States free from her intervention, and at liberty to regulate their own affairs and work out their own destiny. [P. 268.] [3]

On July 2, 1861, Mr. Schurz, our Minister to Spain (who with reference to Spain's action in Santo Domingo had already been instructed on June 7 to make a "protest against the assumption or exercise of Spanish authority in the island" and on June 22, to make such protest "in such a manner as to indicate our firm denial of the rightfulness of the annexation"—which protest Mr. Perry, Chargé at Madrid had been assured on May 21, 1861, that we should "expect to maintain") was advised:

Mr. Tassara called upon me yesterday, and delivered to me, confidentially, a royal decree pronouncing the annexation of Dominica to Spain. Presuming that our protest against this act of the Spanish Government has been already made known in pursuance of previous instructions, this confidential communication of the form of the act itself does not seem to us to require any official proceeding on our part at the present moment. The subject in its various and complicated bearings will in due time receive the deliberate consideration of the Government.[3]

In the war which subsequently broke out between the Spanish occupants and the people of the island, the United States "determined to maintain in regard to the conflict, just as in regard to all other foreign conflicts, the 'same neutrality' which it exacted of friendly nations in regard to its own civil war. The necessary steps were therefore taken for the enforcement of the neutrality laws." [4]

The constant disturbances in Santo Domingo, led the Spanish Cortes to pass a bill on April 30, 1865, for the abandonment of the island.

From 1864 to 1866 war was carrying on between Spain and the Spanish American republics on the west coast of South America. So far as Peru was concerned it was surmised that Spain might enter-

[3] MS., Instructions, Spain, vol. xv, pp. 268–269.

[3] *Ibid.*, pp. 279-280; Moore, *International Law Digest*, vol. vi, p. 517.

[4] Moore, *ibid.*

tain a purpose of overthrowing the independence of that country and reannexing the same to Spain. The suspicion was given some color by the report from certain quarters that Spain considered herself free to do this since she had never recognized the independence of Peru.

On May 19, 1864, Mr. Seward instructed Mr. Koerner, our Minister to Spain, that he was to inform the Spanish Government "that the United States cannot yield their assent to the positions thus assumed in the name of Spain, or regard with indifference an attempt to reduce Peru by conquest and re-annex its territory to the kingdom of Spain." [5]

On June 3, 1864, it was reported by the American Minister to the Department of State that he had been authorized by the Prime Minister of Spain to assure the United States "that Spain had not the slightest intention to reacquire any of her ancient colonies or to encroach upon the independence of Peru." [6]

In the latter part of June 1866, Mr. Tassara advised the Department of State that Spain proposed to take temporary possession of the Chincha Islands belonging to Peru. The Minister stated, as reported by Mr. Moore, that Spain's purpose was not that of "acquiring territory or of intervening in the internal affairs of the Spanish-American republics, but was moved solely by the idea of taking important resources from its enemies and making itself whole for the sacrifices of Spain in the war." [7]

Mr. Seward prepared an instruction to our Minister at Madrid directing him to protest against this reported action and stating that if Spain persisted, in spite of the protest, Spain should not expect the United States "to remain in their present attitude of neutrality between Spain and the Spanish-American republics." This note having been read to Mr. Tassara before its sending, Mr. Tassara withdrew his note advising of the proposed action of the Spanish Government in order that he might advise his Government of the whole matter. However, Mr. Seward did communicate with our Minister at Madrid acquainting him with the views of the President and instructing him to intimate to the Spanish Minister of Foreign Affairs—

> in an informal and most friendly manner, without entering into written correspondence, that the President sincerely and earnestly trusts that Spain may not proceed to any reoccupation of the Chincha Islands, because such a proceeding would seriously tend to disturb the harmonious relations with Her

[5] *Papers relating to Foreign Affairs* (*Diplomatic Correspondence*), 1864, vol. IV, p. 24.

[6] Moore, *International Law Digest*, vol. VI, p. 507.

[7] *Ibid.*, pp. 507–508.

Catholic Majesty's Government which it is the President's desire may remain without interruption.[8]

On the other hand, the United States has always been desirous that friendly relations should exist between Spain and her former colonies as is shown by the instruction of Mr. Evarts to Mr. Dichman, our Minister to Colombia, February 18, 1879, when he said:

. . . It is hoped that the attempt to bring about a more harmonious condition of things between the two countries, and one better calculated to inure in benefits to the Spanish-American state in its intercourse with its former parent country, will be successful.[9]

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[8] MS., Instructions, Spain, vol. xv, p. 570.

[9] *Ibid.*, Colombia, vol. xvii, p. 76.

THE MONROE DOCTRINE DOES NOT PREVENT EUROPE FROM WAGING WAR AGAINST THE LATIN AMERICAS

In 1825, in an instruction to the American Minister to St. Petersburg with reference to the possible development of the conflict between Spain and her colonies in this country, and particularly with reference to the possibility that the Republics of Colombia and Mexico might be preparing a military expedition against the Spanish authorities in Cuba, Secretary Clay said:

. . . For ourselves, we desire no change in the possession of Cuba, as has been heretofore stated. We cannot allow a transfer of the island to any European Power. But if Spain should refuse to conclude a peace, and obstinately resolve on continuing the war, although we do not desire that either Colombia or Mexico should acquire the island of Cuba, the President cannot see any justifiable ground on which we can forcibly interfere. Upon the hypothesis of an unnecessary protraction of the war, imputable to Spain, it is evident that Cuba will be her only *point d'appui* in this hemisphere. How can we interpose, on that supposition, against the party clearly having right on his side, in order to restrain or defeat a lawful operation of war? If the war against the island should be conducted by those Republics in a desolating manner; if, contrary to all expectation, they should put arms into the hands of one race of the inhabitants to destroy the lives of another; if, in short, they should countenance and encourage excesses and examples, the contagion of which, from our neighborhood, would be dangerous to our quiet and safety, the Government of the United States might feel itself called upon to interpose its power. But it is not apprehended that any of those contingencies will arise, and, consequently, it is most probable that the United States, should the war continue, will remain hereafter, as they have been heretofore, neutral observers of the progress of its events.[1]

Commenting upon a reported purpose of certain Latin American countries to attack Cuba and Porto Rico in case Spain should continue in her effort to resubdue her Spanish American colonies, Mr. Van Buren as Secretary of State instructing Mr. Van Ness, Minister to Spain, on October 13, 1830, said:

. . . This Government has, also, been given to understand that if Spain should persevere in the assertion of a hopeless claim to dominion over her former Colonies, they will feel it to be their duty as well as their interest to attack her colonial possessions in our vicinity—Cuba and Porto Rico. Your general instructions are full upon the subject of the interest which the United States take in the fate of those Islands, and particularly of the latter [former?]. They inform you that we are content that Cuba should remain as it now is, but could not consent to its transfer to any European power. Motives of

[1] *American State Papers, Foreign Relations*, vol. v, p. 851.

reasonable state policy render it more desirable to us that it should remain subject to Spain rather than to either of the South American States. Those motives will readily present themselves to your mind. They are principally founded upon an apprehension that, if possessed by the latter, it would, in the present state of things be in greater danger of becoming subject to some European Power than in its present condition. Although such are our own wishes and true interests the President does not see on what ground he would be justified in interfering with any attempts which the South American States might think it for their interest in the prosecution of a defensive war to make upon the Islands in question. If, indeed, an attempt should be made to disturb them by putting arms in the hands of one portion of their population to destroy another, and which, in its influence, would endanger the peace of a portion of the United States, the case might be different. Against such an attempt the United States, (being informed that it was in contemplation,) have already protested, and warmly remonstrated in their communications, last summer, with the Government of Mexico. But the information lately communicated to us, in this regard, was accompanied by a solemn assurance that no such measures will, in any event, be resorted to; and that the contest, if forced upon them, will be carried on, on their part, with strict reference to the established rules of civilized warfare.[2]

Mr. Cass instructing Mr. Dodge, our Minister to Spain, on October 21, 1858, with reference to a presumed attack of Spain on Mexico, said:

With respect to the causes of war between Spain and Mexico, the United States have no concern, and do not undertake to judge them. Nor do they claim to interpose in any hostilities, which may take place.[3]

In 1860, Mr. Cass instructing Mr. Robert M. McLane, our then Minister to Mexico, to proceed to Vera Cruz without delay, set out the position of the United States (quoted and glossed by Mr. Moore) as follows:

In September, 1860, Mr. Robert M. McLane, then Minister to Mexico, was, in anticipation of hostilities between Spain and the government of President Juarez, directed to proceed to Vera Cruz without delay. The general position of the United States was expressed by Mr. Cass in an instruction of September 20, 1860, in the following terms:

> While we do not deny the right of any other power to carry on hostile operations against Mexico, for the redress of its grievances, we firmly object to its holding possession of any part of that country, or endeavoring by force to control its political destiny.
>
> This opposition to foreign interference is known to France, England, and Spain, as well as the determination of the United States to resist any such attempt by all the means in their power. Any design to act in opposition to this policy has been heretofore disavowed by each of those powers, and recently by the minister of Spain, in the name of his Government, in the most explicit manner.

Mr. Cass also adverted to the fact that Mr. McLane had previously expressed a confident opinion, which he seemed still to retain, that projects were meditated

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[2] MS., Instructions to United States Ministers, vol. XIII, pp. 187–188; Moore, *International Law Digest*, vol. VI, p. 449.

[3] MS., Instructions, Spain, vol. XV, p. 189.

by the three powers referred to incompatible with the policy which the United States had announced. An effort might, said Mr. Cass, be renewed by friendly representations to prevail on the contending parties in Mexico to establish by amicable arrangement the basis of a free, stable, and liberal government and to submit the result of their labors to the decision of the Mexican people. If such a plan could be honestly carried out, the United States would not oppose it, though its nonintervention principles would preclude any direct participation in the endeavor. Mr. Cass added: "You fear that the project will be converted into a scheme for control or acquisition by taking advantage of the weakness of the country and by operating upon its fears, so that an extorted assent may be given to the proposition and European ascendancy thus established. I have no reason to anticipate that any such effort will be made, and have only to add that, if attempted, it will be met by the armed action of the United States, should Congress adhere to the policy we have so long avowed and publicly proclaimed.[4]

As early as August 31, 1860, Secretary Cass replying to a communication transmitted to the Department of State by the French Chargé d'Affaires, declared:

. . . that the United States did not call in question the right of France to compel the Government of Mexico by force, if necessary to do it justice.[5]

In 1860, Mr. Cass instructing Mr. Preston, our Minister to Spain, regarding the reported operations against Mexico by Spain, stated that the commander of the naval forces of the United States in that quarter was ordered "to afford all proper and necessary protection to American rights and interests," though he was directed that, if Spain "should resort to war measures against Mexico, he would, of course, not resist them.[6]

On November 30, 1861, the Ministers from Spain, France, and Great Britain sent to the Government of the United States a joint note with which they enclosed the text of a convention between their Governments concluded at London on October 31, 1861, providing for combined action against Mexico in order to redress the grievances which the various Governments had suffered at the hands of that country. Mr. Seward, replying to this joint note under date of December 4, 1861, stated among other things:

. . . that the sovereigns represented have undoubted right to decide for themselves the fact whether they have sustained grievances, and to resort to war against Mexico for the redress thereof, and have a right also to levy the war severally or jointly.[7]

On May 8, 1863, Mr. Seward in an instruction to Mr. Dayton, our Minister to France, called attention to his averment "that this

[4] Moore, *International Law Digest*, vol. VI, pp. 481–482.

[5] MS., Instructions, France, vol. XV., p. 482.

[6] *Ibid.*, Spain, vol. XV, p. 247.

[7] *Correspondence relative to the Present Condition of Mexico, communicated to the House of Representatives by the Department of State* (Washington, Government Printing Office, 1862), p. 395.

Government has no purpose to interfere in any way with the war between France and Mexico." [8]

On December 6, 1865, Mr. Seward stated that the "prevailing discontent in the United States" was not on account of the presence of a foreign army in Mexico. Mr. Seward said:

. . . We recognize the right of sovereign nations to carry on war with each other if they do not invade our right or menace our safety or just influence.[9]

Mr. Seward in his instruction to Mr. Kilpatrick, our Minister to Chile, on June 2, 1866, regarding the difficulties between Spain and Chile, stated:

. . . We therefore conceed to every nation the right to make peace or war, for such causes other than political or ambitious as it thinks right and wise. In such wars as are waged between nations which are in friendship with ourselves, if they are not pushed, like the French war in Mexico, to the political point before mentioned, we do not intervene, but remain neutral, conceding nothing to one belligerent that we do not concede to the other, and allowing to one belligerent what we allow to the other.[10]

In his report to the President of July 14, 1870, Secretary Fish, speaking of the Monroe Doctrine, said:

It does not contemplate forcible intervention in any legitimate contest; but it protests against permitting such a contest to result in the increase of European power or influence; and it ever impels this government, as in the late contest between the South American republics and Spain, to interpose its good offices to secure an honorable peace.[11]

In 1871, Mr. Fish, Secretary of State, instructing General Schenck, our Minister to England, regarding the German suggestion of a joint action by the creditors of Venezuela against that country, stated:

. . . That the United States could not look with indifference, upon any combination of European Powers, against an American State,—that if Germany or any other Power had just cause of war against Venezuela, this Government could interpose no objection to her resorting thereto.[12]

Mr. Roosevelt in his annual message to Congress on December 3, 1901, stated as to the Monroe Doctrine:

This doctrine has nothing to do with the commercial relations of any American power, save that it in truth allows each of them to form such as it desires. In other words, it is really a guaranty of the commercial independence of the Americas. We do not ask under this doctrine for any exclusive commercial

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[8] *Papers relating to Foreign Affairs* (*Diplomatic Correspondence*), 1863. pt. 1, p. 665.

[9] MS., Notes to the French Legation, vol. VIII, p. 176.

[10] *Papers relating to Foreign Affairs* (*Diplomatic Correspondence*), 1866, pt. 2, p. 413.

[11] S. Ex. Doc. No. 112, 41st Cong., 2d sess., p. 7.

[12] MS., Instructions, Great Britain, vol. XXII, p. 472.

dealings with any other American state. We do not guarantee any state against punishment if it misconducts itself, provided that punishment does not take the form of the acquisition of territory by any non-American power.[13]

Mr. Moore has the following note regarding the use of force against Latin American countries without our interference:

With reference to President Roosevelt's statement that "we do not guarantee any state against punishment if it misconducts itself, provided that punishment does not take the form of the acquisition of territory by any non-American power," the fact may be adverted to that, in 1842 and again in 1844, Great Britain blockaded the port of San Juan de Nicaragua. In 1851 the same power laid an embargo on traffic at the port of La Union, in Salvador, and blockaded the whole coast of that country. In 1862 and 1863 the same power seized Brazilian vessels in Brazilian waters in reprisal for the plundering of the bark *Prince of Wales* on the Brazilian coast. In 1838 France blockaded the ports of Mexico as an act of redress for unsatisfied demands. From 1865 till some scarcely defined date Spain was at war with the republics on the west coast of South America. The bombardment of Valparaiso by a Spanish fleet was a prominent incident of the conflict. It was in respect of this conflict that Mr. Seward declared in an instruction to the American minister at Santiago, June 2, 1866, that the United States did not intervene in wars between European and American states "if they are not pushed, like the French war in Mexico, to the political point." In 1846 the United States itself went to war with Mexico. In 1854, the commander of an American man-of-war, failing to obtain an indemnity of $24,000 for the seizure and destruction of property and an apology for an affront to the American minister by some of the inhabitants of the place, bombarded and destroyed Greytown. In 1859 an expedition was sent to Paraguay. In 1890 Congress passed an act to authorize the President to use force to settle the claim of the Venezuela Steam Transportation Company against Venezuela. In April, 1895, the British Government resorted to force to bring about an adjustment of certain demands against Nicaragua.[14]

In his article in the *Political Science Quarterly* for March 1896,[15] Mr. Moore makes the following statement regarding the relationship between the Monroe Doctrine and the operations of European forces against Latin American States in connection with difficulties between those States and the European powers concerned:

At the present time an idea seems to prevail that the Monroe Doctrine committed us to a kind of protectorate over the independent states of this hemisphere, in consequence of which we are required to espouse their quarrels, though we cannot control their conduct. To state this theory is to refute it. Like other independent nations, we are at liberty to act with some regard to our own interests. We should, indeed, always be ready to extend the good offices of friendship in every proper case. But the idea that our position is that of an involuntary military force, at the beck and call of every American state that may stand in need of it, and that we are to supply their deficiencies in men and in money, in order that they may conduct their controversies with

[13] *Foreign Relations of the United States*, 1901, pp. xxxvi xxxvii.
[14] *International Law Digest*, vol. vi, p. 596.
[15] Vol. xi, pp. 25 *et seq.*

European powers on a basis of equality in force and resources, is an idea that must be repugnant to the sense of every reflecting man.

We have not assumed to forbid European powers to settle their quarrels with American states by the use of force any more than we have hesitated to do so ourselves. In 1861 we admitted the right of France, Spain and Great Britain to proceed jointly by force against Mexico for the satisfaction of claims. Indeed, Mr. Seward, in an instruction to our minister to France of June 21, 1862, said:

> France has a right to make war against Mexico, and to determine for herself the cause. We have a right and interest to insist that France shall not improve the war she makes to raise up in Mexico an anti-republican or anti-American government, or to maintain such a government there. France has disclaimed such designs, and we, besides reposing faith in the assurances given in a frank, honorable manner, would, in any case, be bound to wait for, and not anticipate, a violation of them.

It was not till these assurances were violated, that Mr. Seward protested.

In 1842 and again in 1844, Great Britain blockaded the port of San Juan de Nicaragua. In 1851 the same power laid an embargo on traffic at the port of La Union, in Salvador, and blockaded the whole coast of that country. In 1862 and 1863 the same power seized Brazilian vessels in Brazilian waters in reprisal for the plundering of the bark *Prince of Wales* on the Brazilian coast. In 1838 France blockaded the ports of Mexico as an act of redress for unsatisfied demands. From 1865 till some scarcely defined date Spain was at war with the republics on the west coast of South America. The bombardment of Valparaiso by a Spanish fleet was a prominent incident of the conflict. It was in respect of this conflict that Mr. Seward, in an instruction to Mr. Kilpatrick, our minister to Chili, of June 2, 1866, while declaring that we did not intervene in wars between European and American states "if they are not pushed, like the French war in Mexico, to the political point," said:

> Those who think that the United States could enter as an ally into every war in which a friendly republican state on this continent becomes involved, forget that peace is the constant interest and the unwavering policy of the United States. They forget the frequency and variety of wars in which our friends in this hemisphere engage themselves, entirely independent of all control or counsel of the United States. We have no armies for the purpose of aggressive war; no ambition for the character of a regulator. Our constitution is not an imperial one, and does not allow the executive government to engage in war except upon the well considered and deliberate decree of the Congress of the United States. . . . If there is any one characteristic of the United States which is more marked than any other, it is that they have from the time of Washington adhered to the principle of non-intervention, and have perseveringly declined to seek or contract entangling alliances, even with the most friendly states.

In 1846 we ourselves went to war with Mexico. In 1854 the commander of one of our men-of-war, having failed to obtain from the town of Greytown an indemnity of $24,000 for the seizure and destruction of property, and an apology for an affront to the American minister by some of the inhabitants of the place, bombarded it, and afterwards, "in order to inculcate a lesson never to be forgotten," burned such buildings as were left standing. In 1859 we sent an expedition to obtain redress from Paraguay. In 1890, while the Pan-American Conference was in session, Congress passed an act to authorize the president to use force to collect a claim from Venezuela. In 1892 we sent an ultimatum to Chili, with which she had the wisdom to comply.

The suggestion has been made that it is a violation of the Monroe Doctrine for a European power to employ force against an American republic for the purpose of collecting a debt or satisfying a pecuniary demand, whatever may

have been its origin. As has been seen, there is nothing in President Monroe's declarations even remotely touching this subject; and the examples I have given of the employment of force by the United States as well as by other powers for such objects show that the American republics have not heretofore been supposed to enjoy so desirable an exemption. But I think I can trace the idea to its origin. In Wharton's *International Law Digest*, under the section entitled "Monroe Doctrine," there is the following sentence: "The government of the United States would regard with grave anxiety an attempt on the part of France to force by hostile pressure the payment by Venezuela of her debt to French citizens." The authorities cited for this statement are two alleged manuscript instructions of Mr. Blaine to our minister to France, of July 23 and December 16, 1881. The whole matter is, however, erroneously stated. Both the instructions are published in the volume of Foreign Relations for 1881. They refer, not to "hostile pressure," but to a rumored design on the part of France of "taking forcible possession of some of the harbors and a portion of the territory of Venezuela in compensation for debts due to citizens of the French republic." They nowhere express any "grave anxiety." They do not mention the Monroe Doctrine. They merely argue that such a proceeding as that reported to be in contemplation would be unjust to other creditors of Venezuela, including the United States, since it would deprive them of a part of their security. And they express the "solicitude" of the government of the United States "for the higher object of averting hostilities between two republics for each of which it feels the most sincere and enduring friendship." It is plain that this development of the Monroe Doctrine, based upon the erroneous passage in Wharton's *Digest*, has no actual foundation whatever.

In April last a great outcry was raised over an alleged violation of the Monroe Doctrine by certain proceedings at Corinto. The facts were that on August 16, 1894, the Nicaraguan commissioner at Bluefields, Señor Madriz, invited a number of persons, including two citizens of the United States and twelve British subjects, one of whom was the British pro-consul, to call at his office. Each one of the persons so invited laid aside his business and proceeded to the commissioner's office. When they arrived there, they were ushered in, but not into the presence of the commissioner. On the contrary, they were arrested and forcibly deported from the country. No information as to the cause of their arrest was given them. They were denied all opportunity to arrange their business or to visit their families before their forcible expulsion. The two American citizens were in the following October permitted to return to the country under circumstances tending to soothe their feelings. Some of the British subjects were "pardoned," and permitted to return towards the close of December. Among those not "pardoned" was the British pro-consul, Mr. Hatch. For the violent treatment of her consular representative Great Britain exacted a fine of $75,000 as punitive damages or "smart money." The amount of the fine, though large, was not so large as to involve the independence of the country, and its payment did not entail so great a general loss, to say nothing of individual suffering, as would have resulted from the bombardment and destruction of a commercial town. The question of the private losses of her subjects Great Britain offered to leave to arbitration. It is obvious that these proceedings involved neither the Monroe Doctrine nor the Polk Doctrine.

THE MONROE DOCTRINE DOES NOT RELIEVE LATIN AMERICAN STATES OF THEIR RESPONSIBILITIES AS INDEPENDENT SOVEREIGNTIES

Closely connected with the principle that Europe may wage war against Latin American countries is the principle that the Monroe Doctrine does not prevent foreign countries from insisting that Latin American countries live up to their responsibilities as independent sovereign states.

Mr. Sherman instructing Mr. Powell, our Minister to Haiti, on December 22, 1897, declared:

> . . . This Government is not under any obligation to become involved in the constantly recurring quarrels of the Republics of this hemisphere with other states. The Monroe Doctrine to which you refer, is wholly inapplicable to the case, and the relations and interests of this government with its neighbors are not benefitted by erroneous conceptions of the scope of the policy announced by President Monroe and since strictly followed.[1]

This instruction had reference to a peremptory demand made by Germany upon Haiti for the payment of an indemnity and apology for the treatment accorded the Emperor's representative, the release of a German with responsibility for his safety, and the renewal of relations between Haiti and Germany, with the prompt acceptance of a German representative under penalty of shelling the public buildings and forts seven hours after the time the demand was made.

Mr. Sherman instructing Mr. Powell, our Minister to Haiti (January 11, 1898), with reference to certain suggestions which had been made by the Government of Haiti, which looked to the establishment of a protectorate over Haiti, said:

> . . . You certainly should not proceed on the hypothesis, that it is the duty of the United States to protect its American neighbors from the responsibilities which attend the exercise of independent sovereignty.[2]

On May 12, 1859, Mr. Cass instructing Mr. Dallas, our Minister to Great Britain, regarding the use of the British fleet to enforce the payment of certain claims outstanding against Mexico, stated that the United States assumed "no right to sit in judgment upon the causes of complaint which Great Britain may prefer against Mexico, nor upon the measures which may be adopted to obtain satisfaction";

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[1] MS., Instructions, Haiti, vol. IV, pp. 23–24; Moore, *International Law Digest*, vol. VI, p. 475.

[2] MS., Instructions, Haiti, vol. III, p. 631.

these were "questions which pertain to national sovereignty, and which every power must determine for itself and upon its own responsibility."[3]

Mr. Fish reporting as Secretary of State to the President under date of July 14, 1870, in connection with his comments upon the similarity between the action of the United States in throwing off the sovereignty of Great Britain and the action of the Spanish American colonies in declaring their independence from the sovereignty of Spain, said:

> Thus the United States were forced into new lines of action, which, though apparently in some respects conflicting, were really in harmony with the line marked out by Washington. The avoidance of entangling political alliances, and the maintenance of our own independent neutrality became doubly important from the fact that they became applicable to the new republics as well as to the mother country. The duty of non-interference had been admitted by every President. The question came up in the time of the first Adams, on the occasion of the enlistment projects of Miranda. It appeared again under Jefferson (anterior to the revolt of the Spanish colonies) in the schemes of Aaron Burr. It was an ever present question in the administrations of Madison, Monroe, and the younger Adams, in reference to the questions of foreign enlistment or equipment in the United States, and when these new republics entered the family of nations, many of them very feeble, and all too much subject to internal revolution and civil war, a strict adherence to our previous policy and a strict enforcement of our laws became essential to the preservation of friendly relations with them.[4]

In 1883—one of the periods when the controversy between Venezuela and Great Britain was particularly acute with reference to the boundary dispute between Venezuela and British Guiana—Secretary Frelinghuysen was urging upon the Venezuelan Government the desirability of arbitrating with Great Britain the question of the disputed boundary. Secretary Frelinghuysen said:

> . . . So far as the U. S. can counsel and assist Venezuela, it believes it best to confine its reply to the renewal of the suggestion of arbitration, and the offer of all its good offices in that direction.[5]

Notwithstanding the foregoing rules of conduct with reference to the right of Europe to wage war against Latin American nations and the responsibilities of Latin American nations as independent sovereignties considered from the viewpoint of the principles of the Monroe Doctrine, yet the United States took the position during the administration of President Cleveland that the United States would not look with favor upon interference by European powers in revolutionary disturbances in Latin American countries. The posi-

[3] MS., Instructions, Great Britain, vol. XVII, p. 195.
[4] S. Ex. Doc. No. 112, 41st Cong., 2d sess., p. 5.
[5] MS., Instructions, Venezuela, vol. III, p. 282.

tion was taken with reference to a revolution in Brazil which occurred in 1893 as to which President Cleveland, in his annual message of December 3, 1894, said:

. . . It appearing at an early stage of the insurrection that its course would call for unusual watchfulness on the part of this Government, our naval force in the harbor of Rio de Janeiro was strengthened. This precaution, I am satisfied, tended to restrict the issue to a simple trial of strength between the Brazilian Government and the insurgents and to avert complications which at times seemed imminent. Our firm attitude of neutrality was maintained to the end.[6]

In his message of December 3, 1901, President Roosevelt declared:

This doctrine has nothing to do with the commercial relations of any American power, save that it in truth allows each of them to form such as it desires. . . . We do not guarantee any state against punishment if it misconducts itself, provided that punishment does not take the form of the acquisition of territory by any non-American power.[7]

This was said with reference to the proposed enforcement against Venezuela of the claims of Germany.

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[6] *Messages and Papers of the Presidents* (1917 ed.), vol. XIII, p. 5956.
[7] *Ibid.*, vol. XV, p. 6663.

THE RELATIONSHIP OF THE MONROE DOCTRINE TO INTERVENTION IN LATIN AMERICAN COUNTRIES BY FOREIGN POWERS AND BY THE UNITED STATES

The course of the United States does not seem to have been consistent with reference to its attitude toward its own intervention or the intervention of European powers in disputes between Latin American countries or between Latin American countries and Europe. As is pointed out in another section, the United States has repeatedly affirmed that the Monroe Doctrine did not protect Latin American countries from war with European countries nor among themselves. However, in almost every case in which the United States has affirmed this principle, it has coupled it with a reservation that the war must not lead to permanent occupation of any American territory by any European power.

For example, in 1860 Secretary Cass when he informed the French Chargé d'Affaires regarding the attitude of the United States with reference to the right of France to compel Mexico even by force to do justice, added that "the permanent occupation of any part of the territory of Mexico by a foreign power, or an attempt in any manner forcibly to interfere in its internal concerns or to control its political destiny, would give great dissatisfaction to the United States," and that this policy which was known to all the powers would be "adhered to under all circumstances." [1]

A little later (November 30, 1861) when the Ministers of Spain, France, and Great Britain invited the United States to join them in combined action against Mexico in order to redress the grievances which the various Governments had suffered at the hands of that country, the Secretary of State, communicating the views of the President, declared, after reciting the freedom of action of Spain, France, and Great Britain to resort to war against Mexico if they regarded this as necessary in order to redress their grievances:

> The United States have a deep interest which, however, they are happy to believe is an interest held by them in common with the high contracting powers and with all other civilized states, that neither of the sovereigns by whom the convention has been concluded shall seek or obtain any acquisition of territory or any advantage peculiar to itself, and not equally left open to the United States and every other civilized state, within the territories of Mexico, and especially that neither one nor all of the contracting parties shall, as a result or consequence of the hostilities to be inaugurated under the convention, exer-

[1] Moore, *International Law Digest*, vol. VI, p. 480.

cise in the subsequent affairs of Mexico any influence of a character to impair the right of the Mexican people to choose and freely to constitute the form of its own government.[2]

During 1850 and 1851 there existed between Santo Domingo and Haiti a war which was characterized by Sir Henry Bulwer in his instruction to Mr. Usher, the British Consul at Port au Prince as—

barbarous hostilities . . . hostilities abhorrent to humanity, destructive to commerce, and threatening, by the possibility of jealousies or differences arising out of the intervention or supposed desire of intervention of one or other of the great powers interested in this question, to disturb the general good understanding which at present prevails between all such powers and Great Britain.[3]

On February 22, 1850, a circular letter was addressed by the Minister of Foreign Affairs of the Dominican Republic to the American, British, and French Consuls at Santo Domingo City, soliciting the mediation of the three powers for bringing peace between the Empire of Haiti and the Dominican Republic.

Mr. Webster, approving the instructions of the British Foreign Office to its Consul, Mr. Usher—which instructions the French Government also adopted—stated that he expected Mr. Walsh would be governed by those instructions, and then added:

. . . On arriving at Port au Prince you will accordingly seek a conference with Mr. Usher and the consul of France upon the subject of your mission, and particularly with a view of inducing the Emperor Soulouque to consent to a lengthened truce, or a permanent peace with the Dominicans. As in cooperating for this end the three governments are actuated by philanthropic views, to which they believe any material interests which all or either may have in the question are quite subordinate, you will endeavor, in all your communications with your colleagues, and with either the Dominican or the Haytien governments, to keep your mind free from any prejudice resulting from color or forms of government. You will not deny justice to the Emperor Soulouque because he and his subjects are of African extraction and his government professes to be monarchical; and you will not be partial in your judgments in favor of the Dominican government because its officers are supposed to be for the most part of the Castilian race, and because it claims to be republican in its form.

The material interests of the three countries, however, are largely involved in the restoration and preservation of peace between the contending parties in St. Domingo. France is a creditor of the government of the Emperor Soulouque to a large amount. She can not hope for a discharge of her debt when the resources of his country, instead of being developed by pacific pursuits and in part, at least, applied to that purpose, are checked in their growth and wasted in a war with a conterminous state. Great Britain and France are both interested in securing that great additional demand for their productions which must result from the impulse to be expected for industry in Hayti and the Dominican Republic from a termination of the war; and the

[2] H. Ex. Doc. No. 100, 37th Cong., 2d sess., p. 188.

[3] Moore, *ibid.*, p. 511.

United States have a similar interest, both from the augmentation of their trade with the island which would then ensue and from the consideration that their commercial prosperity is intimately connected with that of both France and Great Britain. When, therefore, you shall have held free and full conferences with your colleagues and shall have ascertained the reciprocal claims of the parties to the war, if the Emperor Soulouque shall insist upon maintaining a belligerent attitude until all his demands shall have been satisfied by the opposite party, you will unite with your colleagues in remonstrating against this course on his part. If the remonstrance should prove to be unavailing, you will signify to the Emperor that you shall give immediate notice to your government, that the President, with the concurrence of Congress, may adopt such measures, in coöperation with the governments of England and France, as may cause the intervention of the three powers to be respected; and you will lose no time in communicating the result to this department. The Emperor should be made properly aware of the dangers which he and his country may encounter, if he should be unfortunately advised to reject reasonable terms of pacification; but you will stop at remonstrance until further orders.

If, however, your joint and concurrent representations should induce the Emperor Soulouque to make an abatement of his demands, which you and your colleagues may deem reasonable, you will, in concert with them, make this known to the Dominican Government, and will recommend their adoption of a peace on that basis. You will, however, give a patient hearing to any objections which that government may advance, and if you and your colleagues should deem those objections solid, you will communicate them to the minister for foreign affairs of Hayti and will require from him an answer to them. If this answer should not be given within a reasonable time, or if when given it should not prove to be satisfactory, you will then, conjointly with your colleagues, require the Emperor to conclude a permanent peace with the Dominican government, upon the basis which you may jointly prescribe to him, or to consent to a truce with that government of not less than ten years.

You will write to the department as frequently as opportunities may permit, in order that, if further instructions should be necessary, they may, after consultation with the ministers of Great Britain and France, be transmitted accordingly.[4]

As to the measures of force which might be taken against the Empire of Haiti should that country prove recalcitrant and refuse any mediation, Mr. Moore glosses the British instructions as follows:

. . . Should the Government of Hayti persist in refusing the "mediation," the Emperor was to be menaced, as a last resort, with the determination of the powers to have the terms proposed adopted in the main, or at all events not to allow the war to continue or to recommence till other terms had been "submitted by the mediating powers in lieu thereof." The measures of coercion which England and France would be willing to adopt were at the moment confined to a blockade of Haytian ports, such as Port au Prince, Jacmel, Aux Cayes, Gonaives; but, if it should seem that a blockade would not suffice to obtain the object in view, the menace of force, if made at all, should be made in such vague terms as would not commit Her Majesty's Government to employ force, till it should learn what species of force would be necessary. In the unforeseen contingency of a plan acceptable to Hayti being rejected by Santo

[4] S. Doc. No. 113, 32d Cong., 1st sess., pp. 3–4.

Domingo, all that could be asked of the Haytian Government would be a suspension of hostilities till fresh instructions could be obtained.[5]

When in 1860 (July) France and Great Britain invited the United States to join in sending an identic note to the Miramon and Juarez Governments in Mexico suggesting that they call a National Assembly to adjust the differences between them, Secretary Cass after consulting President Buchanan, sent to Lord Lyons, the British representative in Washington, a note which has been glossed and quoted by Mr. Moore as follows:

. . . the general policy of the United States was "opposed to any interference, especially the joint interference, of other powers in the domestic affairs of an independent nation;" that the motives of this policy were peculiarly strong in case of Mexico; that the President had recognized the Juarez Government as a constitutional one, which had in fact a far larger popular support than any other; that he would therefore be very unwilling to take any step which would appear to discredit the Juarez Government or put it on the same level as its opponent; that he could not see any practical good to result from the joint intervention, and that, while desiring the happiest results from the proposed action of England and France, he did not feel either disposed or authorized to make the United States a party to it.[6]

In 1866 (June 2) Mr. Seward instructing Mr. Kilpatrick, our Minister to Chile, regarding the war then waging between Chile and Spain, made the following observations:

The policy of the United States in regard to the several Spanish American States, is, or ought to be well known now, after the exposition it has received during the last five years. We avoid in all cases giving encouragement to expectations which, in the varying course of events, we might find ourselves unable to fulfil; and we desire to be known as doing more than we promise rather than falling short of our engagements. On the other hand, we maintain and insist with all the decision and energy which is compatible with our existing neutrality, that the Republican system which is accepted by the people in any one of those States shall not be wantonly assailed, and that it shall not be subverted as an end of a lawful war, by European Powers. We thus give to those Republics the moral support of a sincere, liberal, and as we think it will appear, a useful friendship. We could claim from foreign States no concession to our own political, moral, and material principles or interests if we should not conform our own proceedings in the needful intercourse with foreign States to the just rules of the laws of nations. We, therefore, concede to every nation the right to make peace or war, for such causes other than political or ambitious as it thinks right and wise. In such wars as are waged between nations which are in friendship with ourselves, if they are not pushed like the French war in Mexico, to the political point before mentioned, we do not intervene, but remain neutral, conceding nothing to one belligerent that we do not concede to the other, and allowing to one belligerent what we allow to the other.

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[5] Moore, *International Law Digest*, vol. VI, p. 512.

[6] *Ibid.*, pp. 479–480.

We certainly thought that it was an act of friendship on our part that we obtained assurances from Spain, at the beginning, and at other stages of the present war, that, in any event her hostilities against Chile should not be prosecuted beyond the limits which I have before described. We understand ourselves now and henceforth ready to hold Spain to this agreement, if, contrary to our present expectations, it should be found necessary. In this we think we are acting a part, certainly not unfriendly to Chile. It was thought to be an act of friendship when we used our good offices with both parties to prevent the war. We have thought we were acting a friendly part using the same good offices to secure an agreement for peace without dishonor, or even damage to Chile. Those who think that the United States could enter as an ally into every war in which a friendly Republican State on this continent becomes involved, forget that peace is the constant interest and the unwavering policy of the United States. They forget the frequency and variety of wars in which our friends in this hemisphere engage themselves entirely independent of all control or counsel of the United States. We have no armies for the purpose of aggressive war; no ambition for the character of a regulator. Our Constitution is not an Imperial one, and does not allow the Executive Government to engage in war except upon the well considered and deliberate decree of the Congress of the United States. A federal government consisting of thirty-six equal States, which are in many respects self-governing, cannot easily be committed by its representatives to foreign wars, either of sympathy or of ambition. If there is any one characteristic of the United States which is more marked than any other, it is that they have from the time of Washington adhered to the principle of non-intervention, and have perseveringly declined to seek, or contract entangling alliances, even with the most friendly States.[7]

In 1860, Secretary Cass expressed himself with reference to a dispute between Spain and Venezuela, and in response to an intimation that Venezuela desired the interposition of the United States, as follows:

. . . it is the established policy of this Country not to interfere with the relations of foreign nations to each other and that it would be both improper and impossible for the United States to decide upon the course of conduct towards Venezuela which Spain may think required by her honor or her interests. But if this Government can by any informal action serve as a means of bringing about the reconciliation so much to be desired, it will be a subject of great satisfaction to the President to be instrumental for such a purpose.[8]

The note of the Venezuelan Minister was therefore transmitted to the American Minister at Madrid, with instructions to tender his good offices to the Governments of Spain and Venezuela, if in his discretion he thought the opportunity favorable to an effort for a more friendly understanding between them, and if such offer could be made without offence to the Spanish Government.

In 1881 Mr. Blaine declared to Mr. Morton, the American Minister to France (September 5) that it was inexpedient for the United

[7] MS., Instructions, Chile, vol. xv, pp. 334–337.

[8] MS., Notes to Venezuela, vol. I, p. 69; Moore, *International Law Digest*, vol. VI, pp. 530-531.

States to unite with France and Great Britain in intervening to terminate hostilities between Chile and Peru.[9]

Mr. Moore records that on March 9, 1880—

. . . with reference to the possible renewal by France, Germany, and Great Britain of the project of intervention, which they had in contemplation in 1879, to bring about a settlement of the quarrel between Chile on the one hand and Peru and Bolivia on the other, the American ministers at Lima, La Paz, and Santiago were instructed, in case the pressure of the governments in question upon the combatants should tend to assume a coercive character, to preserve an attitude which would facilitate a joint and friendly resort to the good offices of the United States.[10]

Mr. Frelinghuysen instructing Mr. Logan, our Minister to Chile, on March 7, 1883, stated (this is glossed by Mr. Moore) that:

The action of the American diplomatic representative at Lima, in February, 1883, in uniting with the representatives of France, Great Britain, and Italy in submitting to their respective governments a suggestion that they unite in an interference in the South American difficulties, was taken without authority and without previous communication with the Department of State, and was disapproved.[11]

In 1871, Mr. Fish in an instruction to General Schenck, American Minister to England, set out the attitude of the United States with reference to joint action with European powers against Latin American countries in the following language:

Baron Gerolt (the German Envoy and Minister Plenipotentiary) yesterday enquired how the Government of the United States would receive the proposal contained in what he said was a Circular addressed by his Government to their Representatives at London, Madrid, Florence and Copenhagen, proposing a joint and concerted movement to urge on Venezuela a more orderly Government, better observance of her engagements, &c., &c. I failed to obtain from the Baron any definition of the precise nature of the proposed movement, or of the precise objects to be attained, or of the extent to which it was in contemplation either to advise or to coerce Venezuela, nor whether coercion was really in contemplation, although he made once an allusion to a "combined fleet" and "guns."

The United States is among the creditors of Venezuela, so are France, Holland, Great Britain, Italy, Denmark and Spain.

We are not aware that Germany is among the creditors of Venezuela, or that she has any special cause of complaint against that Government for any injuries to her people or commerce.

Her movement therefore in this direction excites some surprise.

Baron Gerolt stated that he was directed to make the inquiry "confidentially," and that he was not to make the proposal to the United States unless it would be favorably received.

He was told that we had a vivid recollection of a combined European movement against Mexico, a few years since, and that we would wish to know

[9] *Foreign Relations of the United States*, 1881, pp. 426–427.

[10] *International Law Digest*, vol. VI, p. 509.

[11] *Ibid.*

the causes of Germany's complaint, and the precise object and means which they proposed and the limits which they intended to prescribe, to their operations.—That the United States could not look with indifference, upon any combination of European Powers, against an American State,—that if Germany or any other Power had just cause of war against Venezuela, this Government could interpose no objection to her resorting thereto.

If the object of Germany be a united remonstrance to Venezuela against the anarchy and chronic revolutionary condition of that State, or an appeal to honesty in the observance of her engagements, this Government would not object, but would, of itself, make a similar remonstrance and appeal. If, however, the object be, a forcible demonstration of coercion, by a combination of European States, the United States could not regard it with indifference.

You will inquire confidentially of Her Majesty's Secretary of State for Foreign Affairs whether any proposal has been made, in behalf of the German Government to that of Great Britain on this subject, and ask whether the Government of Her Majesty has it in contemplation to unite therein. You will at the same time, delicately, but decidedly express the anxiety which the suggestion of the proposition has excited in this Government, and may say that the President hopes that the suggested proposal may not be carried to the extent of disturbing the sensibilities which would be aroused by a combination of European powers against one of the Republics of this Continent.[12]

This position was adopted by Mr. Bayard in his instruction to Mr. Scott, the American Minister to Venezuela, on October 14, 1886, in a correspondence which is quoted and glossed by Mr. Moore as follows:

The minister of the United States at Caracas having, in conversations with the British minister at that capital, reached the conclusion that "great and good results would accrue to both American and English claimants" if the two Governments would make a "joint representation" and employ their "joint cooperation" in securing from Venezuela a settlement of claims, Mr. Bayard replied that the policy of the United States was "distinctly opposed to joint action with other powers in the presentation of claims, even when they may arise from an act equally invading the common rights of American citizens and the subjects of another state residing in the country to whose government complaint is made." The United States, said Mr. Bayard, was ready to secure any advantage which might be derived from "a coincident and even identical representation" with other powers with regard to matters of common concern, but was "averse to joint presentation as the term is strictly understood." A truly joint demand might involve a joint enforcement, and the United States was "indisposed to contemplate such entanglement of its duties and interests with those of another power." It was entirely proper for an American minister so to act "in concert" with his colleagues as to secure the benefit of cooperative action without "the ultimate embarrassments to which united action may be liable." When, in 1871, the German Government had proposed to certain European cabinets the adoption of joint measures to urge upon Venezuela a more orderly government and better observance of her obligations, the United States "took occasion to deprecate such a resort on the ground that a combination to present and enforce such demands by the European powers against an American state could only be observed by the United States with the greatest concern."[13]

[12] MS., Instructions, Great Britain, vol. XXII, p. 471.

[13] *International Law Digest*, vol. VI, pp. 532–533.

In 1851, M. de Sartiges, Minister from France, informed (October 8) the Acting Secretary of State that the French Government had instructed its ships of war in the West Indies "to give assistance to Spain and to prevent by force the adventurers of any nation from landing with hostile intent on the island of Cuba.[14]

A few days prior to this time the British Chargé d'Affaires at Washington officially advised the Government of the United States that the Government of Great Britain had given similar orders to its naval forces in those waters. The Acting Secretary of State, Mr. Crittenden, commenting upon these interviews, stated (as glossed by Mr. Moore):

> . . . the President regarded this action of the two powers as a matter of grave importance. The orders had no doubt been occasioned by the then recent unlawful expedition of less than 500 men which had evaded the vigilance of the United States and escaped from New Orleans. The expedition was landed by the steamer *Pampero*, in Cuba, where it was soon captured, and many of its members were executed. The President did not regard this accident as a sufficient basis for the combined action of the two great European powers. Their object could hardly be accomplished without claiming a dangerous power of visit and search; but, apart from this, there was another point of view in which the intervention of France and England could not be viewed with indifference by the President. The geographical position of Cuba was such that it would become, in the hands of any European nation, an object of just jealousy and apprehension to the people of the United States. The Government of France and other European nations had long been officially apprised that the United States could not see without concern the island transferred by Spain to any other European state. Moreover, the people of the United States were "naturally jealous of European interference in American affairs." [15]

In an instruction dated December 2, 1858, Mr. Cass informed Mr. Dodge, our Minister to Spain, with respect to the proposed Spanish operation against Mexico, to take advantage of the opportunity to say to the Spanish Minister, that the United States considered Mexico's "freedom from foreign control" to be "essential to the true policy of the independent states of America." [16]

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[14] *Ibid.*, pp. 452–453.

[15] *Ibid.*, p. 453.

[16] MS., Instructions, Spain, vol. xv, p. 197.

THE MONROE DOCTRINE NOT INIMICAL TO ESTABLISHMENT OF MONARCHICAL GOVERNMENT IN THE WESTERN HEMISPHERE

Writing on August 2, 1824, to Mr. Madison, President Monroe said:

> Mr. Salazar, the Minister from Columbia [*sic*], stated lately, by order of his gov^{t}., that a French agent was expected at Bogota, having already arrived at the port, with power to treat with his gov^{t}. respecting its independence. He observed that his gov^{t}. had been advised, from an authentic source, that the gov^{t}. of France would acknowledge its independence on one condition, the establishment of monarchy, and leave the person to be placed in that station to the people of Columbia. That Bolivar would not be objected to if preferred by them. He asked, should the proposition be rejected, and France become hostile in consequence, what part the U States would take in that event? What aid might they expect from us? The subject will of course be weighed thoroughly in giving the answer. The Executive has no right to compromit the nation in any question of war, nor ought we to presume that the people of Columbia will hestitate as to the answer to be given to any proposition which touches so vitally their liberties.[1]

In 1851, the United States dealt with the Empire of Haiti in a controversy between the Empire and the Dominican Republic without any suggestion that the existence of an empire was contrary to the Monroe Doctrine.[2] This incident has been narrated in some detail in another section.

In connection with the setting up of Maximilian as Emperor of Mexico the Government of the United States reiterated a principle which it had announced on March 3, 1862. In an instruction from Secretary Seward to Mr. Dayton, our Minister to France (March 31, 1862), that the President deemed it his—

> . . . duty to express to the allies, in all candor and frankness, the opinion that no monarchical government which could be founded in Mexico, in the presence of foreign navies and armies in the waters and upon the soil of Mexico, would have any prospect of security or permanence.[3]

No objection was made, however, to the establishment of a monarchy as such; and this attitude was, of course, the natural result of the establishment without protest upon the part of this Government of the early monarchies in Mexico, at the time when Mexico was seeking to make good her independence from Spain, and the establishment of the monarchical form of government in Brazil.

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[1] *Writings of James Monroe*, vol. VII, p. 31.

[2] Moore, *International Law Digest*, vol. VI, pp. 509 *et seq.*

[3] MS., Instructions, France, vol. XVI, p. 119.

Mr. Blaine, Secretary of State, in an instruction to Mr. Osborn, our Minister to Brazil, in which the Minister was directed to extend to Brazil an invitation to an international American peace congress which it was proposed to hold in Washington in November of 1882, said:

. . . Brazil holds, in the South, much the same relationship to the other countries that the U. S. does in the North. Her domanial extent, her commerce and her advancement in the path of successful progress, exerts a beneficial and lasting influence on South America. Her intercourse with her neighbors has been marked by peace and good will, and, on memorable occasions, Brazil has lent wise counsels in momentous arbitrations. All this tends to make that Empire as necessary a factor in securing peace and harmony in America as the U. S. itself, while its interests in the great and humane results proposed are fully commensurate with our own. Moreover, the good friendship between Brazil and the U. S. is singularly strong. The ties which join them are intimate and permanent. What, then, is more natural than that these two great Powers should earnestly unite in a movement which, it is hoped will mark a historical epoch in America, and exert its influence on countries beyond the seas, and on generations yet unborn?[4]

Concerning this question, Dana in his note 36 to Wheaton says:

It has sometimes been assumed that the Monroe Doctrine contained some declaration against any other than democratic-republican institutions on this continent, however arising or introduced. The message will be searched in vain for any thing of the kind. We were the first to recognize the imperial authority of Don Pedro in Brazil, and of Iturbide in Mexico; and more than half the northern continent was under the sceptres of Great Britain and Russia; and these dependencies would cetrainly be free to adopt what institutions they pleased, in case of successful rebellion, or of peaceful separation from their parent States.[5]

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[4] *Ibid.*, Brazil, vol. XVII, p. 207.

[5] Wheaton, *Elements of International Law*, 8th ed. (Dana), pp. 111–112.

THE MONROE DOCTRINE DOES NOT CONTEMPLATE THAT THE POSSESSION OF AMERICAN COLONIES BY A EUROPEAN POWER MAKES OF THE EUROPEAN POWER ITSELF AN AMERICAN STATE

In his famous instruction of July 20, 1895, to Mr. Bayard, the American Ambassador to England, Mr. Olney stated:

. . . It has been intimated, indeed, that in respect of these South American possessions Great Britain is herself an American state like any other, so that a controversy between her and Venezuela is to be settled between themselves as if it were between Venezuela and Brazil or between Venezuela and Colombia, and does not call for or justify United States intervention. If this view be tenable at all, the logical sequence is plain.

Great Britain as a South American state is to be entirely differentiated from Great Britain generally, and if the boundary question can not be settled otherwise than by force, British Guiana, with her own independent resources and not those of the British Empire, should be left to settle the matter with Venezuela—an arrangement which very possibly Venezuela might not object to. But the proposition that an European power with an American dependency is for the purposes of the Monroe doctrine to be classed not as an European but as an American state will not admit of serious discussion. If it were to be adopted, the Monroe doctrine would be too valueless to be worth asserting. Not only would every European power now having a South American colony be enabled to extend its possessions on this continent indefinitely, but any other European power might also do the same by first taking pains to procure a fraction of South American soil by voluntary cession.

The declaration of the Monroe message—that existing colonies or dependencies of an European power would not be interfered with by the United States—means colonies or dependencies then existing, with their limits as then existing. So it has been invariably construed, and so it must continue to be construed unless it is to be deprived of all vital force. Great Britain can not be deemed a South American state within the purview of the Monroe doctrine, nor, if she is appropriating Venezuelan territory, is it material that she does so by advancing the frontier of an old colony instead of by the planting of a new colony. The difference is matter of form and not of substance and the doctrine if pertinent in the one case must be in the other also.[1]

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[1] *Foreign Relations of the United States*, 1895, pt. I, pp. 559–560.

THE RELATION OF THE MONROE DOCTRINE TO THE SUBVERSION BY EUROPEAN POWERS OF REPUBLICAN GOVERNMENT ON THIS HEMISPHERE

Mr. Seward in his instruction to Mr. Kilpatrick, our Minister to Chile, on June 2, 1866, regarding the controversy between Spain and Chile, said:

> . . . On the other hand, we maintain and insist with all the decision and energy which is compatible with our existing neutrality, that the Republican system which is accepted by the people in any one of those States shall not be wantonly assailed, and that it shall not be subverted as an end of a lawful war, by European Powers. We thus give to those Republics the moral support of a sincere, liberal, and as we think it will appear, a useful friendship. We could claim from foreign States no concession to our own political, moral, and material principles or interests, if we should not conform our own proceedings in the needful intercourse with foreign States to the just rules of the laws of nations.[1]

On October 23, 1863, Mr. Seward instructing Mr. Dayton, our Minister to France, with reference to the war then carrying on in Mexico, stated:

> . . . It is proper, also, that Mr. Drouyn de l'Huys should be informed that the United States continue to regard Mexico as the theatre of a war which has not yet ended in the subversion of the government long existing there, with which the United States remain in the relation of peace and sincere friendship; and that, for this reason, the United States are not now at liberty to consider the question of recognizing a government which, in the further chances of war, may come into its place. The United States, consistently with their principles, can do no otherwise than leave the destinies of Mexico in the keeping of her own people, and recognize their sovereignty and independence in whatever form they themselves shall choose that this sovereignty and independence shall be manifested.[2]

Closely connected with the declarations made by various officers of this Government regarding the subversion of republican form of government in the Americas by European powers, are statements expressing concern with reference to states which have institutions similar to our own. Among the many statements of this character the following may be mentioned.

Mr. Seward, acknowledging a joint note from France, Great Britain, and Spain, stated on December 4, 1861, after declining to

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[1] MS., Instructions, Chile, vol. xv, p. 334.

[2] *Papers relating to Foreign Affairs* (*Diplomatic Correspondence*), 1863, vol. II, p. 726.

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participate in a joint action against Mexico and the entering into a joint convention with the powers named:

. . . Mexico being a neighbor of the United States on this continent, and possessing a system of government similar to our own in many of its important features, the United States habitually cherish a decided good will towards that republic, and a lively interest in its security, prosperity, and welfare. Animated by these sentiments, the United States do not feel inclined to resort to forcible remedies for their claims at the present moment, when the Government of Mexico is deeply disturbed by factions within, and war with foreign nations. And, of course, the same sentiments render them still more disinclined to allied war against Mexico, than to war to be urged against her by themselves alone.[3]

Mr. Seward, writing again to Mr. Dayton, Minister to France, on March 3, 1862, regarding the French intervention in Mexico and the proposed establishment of a monarchy therein stated:

. . . That, under such circumstances, the new government must speedily fall unless it could draw into its support European alliances which relating back to the first invasion, would in fact make it the beginning of a permanent policy of armed European monarchical intervention, injurious and practically hostile to the most general system of government on the continent of America, and this would be the beginning rather than the ending of revolution in Mexico.[4]

On another occasion, Mr. Seward, writing to the Marquis de Montholon, the French Minister at Washington (under date of December 6, 1865), stated:

. . . We recognize the right of sovereign nations to carry on war with each other if they do not invade our right or menace our safety or just influence. The real cause of our national discontent is that, the French army which is now in Mexico is invading a domestic Republican Government there, which was established by her people, and with whom the United States sympathize most profoundly, for the avowed purpose of suppressing it, and establishing upon its ruins a foreign monarchical government whose presence there, so long as it should endure, could not but be regarded by the people of the United States, as injurious and menacing to their own chosen and endeared republican institutions.[5]

In his famous despatch of July 20, 1895, to Mr. Bayard, the American Ambassador to England, Mr. Olney stated:

What is true of the material, is no less true of what may be termed the moral interests involved. Those pertaining to Europe are peculiar to her and are entirely diverse from those pertaining and peculiar to America. Europe as a whole is monarchical, and, with the single important exception of the Republic of France, is committed to the monarchical principle. America, on the other hand, is devoted to the exactly opposite principle—to the idea that every people has an inalienable right of self-government—and, in the United States of America, has furnished to the world the most conspicuous and conclusive example and proof of the excellence of free institutions, whether from the standpoint of national greatness or of individual happiness. It can not be

[3] H. Ex. Doc. No. 100, 37th Cong., 2d sess., p. 189.
[4] MS., Instructions, France, vol. xvi, p. 119.
[5] MS., Notes to the French Legation, vol. viii, p. 176.

necessary, however, to enlarge upon this phase of the subject—whether moral or material interests be considered, it can not but be universally conceded that those of Europe are irreconcilably diverse from those of America, and that any European control of the latter is necessarily both incongruous and injurious. If, however, for the reasons stated the forcible intrusion of European powers into American politics is to be deprecated—if, as it is to be deprecated, it should be resisted and prevented—such resistance and prevention must come from the United States. They would come from it, of course, were it made the point of attack. But, if they come at all, they must also come from it when any other American state is attacked, since only the United States has the strength adequate to the exigency.

Is it true, then, that the safety and welfare of the United States are so concerned with the maintenance of the independence of every American state as against any European power as to justify and require the interposition of the United States whenever that independence is endangered? The question can be candidly answered in but one way. The States of America, South as well as North, by geographical proximity, by natural sympathy, by similarity of governmental constitutions, are friends and allies, commercially and politically, of the United States. To allow the subjugation of any of them by an European power is, of course, to completely reverse that situation and signifies the loss of all the advantages incident to their natural relations to us. But that is not all. The people of the United States have a vital interest in the cause of popular self-government. They have secured the right for themselves and their posterity at the cost of infinite blood and treasure. They have realized and exemplified its beneficent operation by a career unexampled in point of natural greatness or individual felicity. They believe it to be for the healing of all nations, and that civilization must either advance or retrograde accordingly as its supremacy is extended or curtailed. Imbued with these sentiments, the people of the United States might not impossibly be wrought up to an active propaganda in favor of a cause so highly valued both for themselves and for mankind. But the age of the Crusades has passed, and they are content with such assertion and defense of the right of popular self-government as their own security and welfare demand. It is in that view more than in any other that they believe it not to be tolerated that the political control of an American state shall be forcibly assumed by an European power.[6]

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[6] *Foreign Relations of the United States*, 1895, pt. I, pp. 557–558.

THE MONROE DOCTRINE AND POSSESSION (TEMPORARY OR PERMANENT) OR OCCUPATION OF AMERICAN TERRITORY BY EUROPEAN POWERS

On July 15, 1840, Mr. Forsyth, Secretary of State, instructed Mr. Vail, our Minister to Spain, that:

> . . . Should you have reason to suspect any design on the part of Spain to transfer voluntarily her title to the island [Cuba], whether of ownership or possession, and whether permanent or temporary, to Great Britain, or any other power, you will distinctly state that the U. States will prevent it, at all hazards, as they will any foreign military occupation for any pretext whatsoever—and you are authorised to assure the Spanish Government that in case of any attempt from whatever quarter, to wrest from her this portion of her territory, she may securely depend upon the military and naval resources of the U. States to aid her in preserving or receiving it.[1]

Writing to Mr. Dodge, the American Minister to Spain, under date of October 21, 1858, regarding the difficulty between Spain and Mexico, Mr. Cass said:

> With respect to the causes of war between Spain and Mexico, the United States have no concern, and do not undertake to judge them. Nor do they claim to interpose in any hostilities, which may take place. Their policy of observation and interference is limited to the permanent subjugation of any portion of the Territory of Mexico or of any other American State to any European Power whatsoever.[2]

Two years later Mr. Cass, instructing Mr. Faulkner, the American Minister to France, under date of August 31, 1860, with reference to the contemplated action of France towards Mexico, asserted that:

> . . . the permanent occupation of any part of the territory of Mexico by a Foreign Power, or an attempt in any manner forcibly to interfere in its internal concerns or to control its political destiny, would give great dissatisfaction to the United States.[3]

In September of the same year Mr. Cass directed Mr. Robert M. McLane, our Minister to Mexico, as follows:

> While we do not deny the right of any other power to carry on hostile operations against Mexico, for the redress of its grievances, we firmly object to its holding possession of any part of that country, or endeavoring by force to control its political destiny.[4]

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[1] MS., Instructions, Spain, vol. XIV, p. 127.
[2] *Ibid.*, vol. XV, p. 187.
[3] MS., Instructions, France, vol. XV, p. 482.
[4] Moore, *International Law Digest*, vol. VI, p. 481.

President Buchanan in his annual message of December 3, 1860, commenting upon the conditions in Mexico and particularly upon the possible establishment of the constitutional government in Mexico City, and the results ensuing therefrom, said:

. . . We should thus have been relieved from the obligation of resisting, even by force should this become necessary, any attempt by these Governments to deprive our neighboring republic of portions of her territory—a duty from which we could not shrink without abandoning the traditional and established policy of the American people.[5]

In the note from Mr. Seward to the representatives of France, Great Britain, and Spain, touching the suggestion of a joint action of all four powers against Mexico, Mr. Seward after adverting to the fact that the powers had a right to levy war severally or jointly, stated:

The United States have a deep interest which, however, they are happy to believe is an interest held by them in common with the high contracting powers and with all other civilized states, that neither of the soverigns by whom the convention has been concluded shall seek or obtain any acquisition of territory or any advantage peculiar to itself, and not equally left open to the United States and every other civilized state, within the territories of Mexico, and especially that neither one nor all of the contracting parties shall, as a result or consequence of the hostilities to be inaugurated under the convention, exercise in the subsequent affairs of Mexico any influence of a character to impair the right of the Mexican people to choose and freely to constitute the form of its own government.[6]

On September 11, 1863, Mr. Seward, Secretary of State, instructing Mr. Motley, our Minister to Austria, made the following observations:

When France made war against Mexico, we asked of France explanations of her objects and purposes. She answered, that it was a war for the redress of grievances; that she did not intend to permanently occupy or dominate in Mexico, and that she should leave to the people of Mexico a free choice of institutions of government. Under these circumstances the United States adopted, and they have since maintained, entire neutrality between the belligerents, in harmony with the traditional policy in regard to foreign wars.[7]

When in 1866, Spain seemed to be determined to reoccupy and reannex the Chincha Islands belonging to Peru, Secretary Seward instructed our Minister to Spain, Mr. Hale (July 16, 1886), to intimate to the Spanish Minister of Foreign Affairs—

. . . in an informal and most friendly manner, without entering into written correspondence, that the President sincerely and earnestly trusts that Spain may not proceed to any reoccupation of the Chincha Islands, because such a proceeding would seriously tend to disturb the harmonious relations

[5] *Messages and Papers of the Presidents* (1917 ed.), vol. VII, p. 3177.
[6] H. Ex. Doc. No. 100, 37th Cong., 2d sess., p. 188.
[7] *Papers relating to Foreign Affairs* (*Diplomatic Correspondence*), 1863, vol. II, p. 929.

with Her Catholic Majesty's Government which it is the President's desire may remain without interruption.[8]

In his message of February 15, 1905, to Congress, in relation to the situation in Santo Domingo, Mr. Roosevelt said:

An aggrieved nation can without interfering with the Monroe doctrine take what action it sees fit in the adjustment of its disputes with American states, provided that action does not take the shape of interference with their form of government or of the despoilment of their territory under any disguise.[9]

Later in his message Mr. Roosevelt continued:

If the United States Government declines to take action and other foreign governments resort to action to secure payment of their claims, the latter would be entitled, according to the decision of The Hague Tribunal in the Venezuelan cases, to the preferential payment of their claims; and this would absorb all the Dominican revenues and would be a virtual sacrifice of American claims and interests in the island. If, moreover, any such action should be taken by them, the only method to enable them to secure the payment of their claims would be to take possession of the custom-houses, and considering the state of the Dominican finances this would mean a definite and very possibly permanent occupation of Dominican territory, for no period could be set to the time which would be necessarily required for the payment of their obligations and unliquidated claims. The United States Government could not interfere to prevent such seizure and occupation of Dominican territory without either itself proposing some feasible alternative in the way of action, or else virtually saying to European governments that they would not be allowed to collect their claims. This would be an unfortunate attitude for the Government of the United States to be forced to maintain at present. It can not with propriety say that it will protect its own citizens and interests, on the one hand, and yet on the other hand refuse to allow other governments to protect their citizens and interests.[10]

The position of this Government against foreign subjection of Cuba was among the earliest announced after the declaration of the Monroe Doctrine. On April 27, 1825, Secretary Clay, writing to Mr. Everett, our Minister to Spain, said:

. . . And of all the European Powers, this country prefers that Cuba and Porto Rico should remain dependent on Spain. If the war should continue between Spain and the new Republics, and those Islands should become the object and the theatre of it, their fortunes have such a connexion with the prosperity of the United States that they could not be indifferent spectators; and the possible contingencies of such a protracted war might bring upon the Government of the United States duties and obligations, the performance of which, however painful it should be, they might not be at liberty to decline.[11]

Mr. Gallatin reporting to Secretary Clay on December 22, 1826, narrated his attempts to secure from Great Britain a flat statement

[8] MS., Instructions, Spain, vol. xv, p. 570.
[9] Moore, *International Law Digest*, vol. vi, p. 519.
[10] *Ibid.*, pp. 522–523.
[11] MS., Instructions to United States Ministers, vol. x, p. 304.

regarding Britain's attitude toward "the remaining Spanish colonies" and, failing in his effort, observed:

. . . This induced me to enter more at large on the subject, and to try to impress strongly on his mind that it was impossible that the United States could acquiesce in the conquest by, or transfer of that island to, any great maritime power, and that the new American States, particularly Mexico, would be equally averse to it. All this was expressed in strong but general terms, and as if I took it for granted that England had no such object in view for herself and was disposed to act in concert with us.[12]

Secretary Van Buren instructing Mr. Van Ness, our Minister to Spain, on October 2, 1829, pushed the foregoing principle somewhat further when, in connection with his comments upon the peculiar richness of the island of Cuba, he stated that the resources of the island—

. . . Render it of the utmost importance to the United States that no change should take place in its condition which might injuriously affect our political and commercial standing in that quarter. Other considerations connected with a certain class of our population, make it the interest of the southern section of the Union that no attempt should be made in that island to throw off the yoke of Spanish dependence, the first effect of which would be the sudden emancipation of a numerous slave population whose result could not but be very sensibly felt upon the adjacent shores of the United States.[13]

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[12] *Writings of Gallatin*, vol. II, p. 346.

[13] MS., Instructions to United States Ministers, vol. XIII, p. 24.

THE MONROE DOCTRINE AND NEUTRALIZATION OF CUBA

As early as 1825 proposals were made that the island of Cuba should be neutralized. The events which ensued are narrated by Mr. Moore as follows:

On August 21, 1825, Mr. King, American Minister at London, transmitting a proposal from Canning that the United States, Great Britain, and France should sign either of three ministerial notes—one between Great Britain and the United States, one between the United States and France, and one between France and Great Britain—or else one tripartite note, signed by all, disclaiming each for itself any intention to occupy Cuba and protesting against such an occupation by either of the others. This proposal was declined by the United States, first, on the ground that to allay the apprehensions of the King of Spain with regard to the seizure of his colonial possessions by another power, might induce him to desire to prolong the war with his colonies. Viewing the matter in another light, the Government of the United States considered it unnecessary to make any declaration on its own part because of its pacific policy and the forbearance which it had already shown. Nor was any apprehension felt that Great Britain would entertain "views of aggrandizement in regard to Cuba, which could not fail to lead to a rupture with the United States." The case of France might be different, and the fact that instructions had been given to the commander of the French forces in the West Indies to aid the governor of Havana in quelling internal disturbances, proved that the French Government had deliberated on a contingent occupation of Cuba; and possession once gained, it might be retained under one pretext or another. "With the view, therefore," said the Government of the United States, "of binding France by some solemn and authentic act to the same course of forbearance which the United States and Great Britain have mutually prescribed to themselves, the President sees no great objection, at present, to acceding to one or other of the two alternatives contained in Mr. Canning's proposal. As information, however, is shortly expected from Russia as to the manner in which the Emperor has received the invitation to employ his friendly offices to bring about a peace, no instruction will now be given you as to the definitive answer to be communicated to the British Government. In the meantime you are authorized to disclose to it the sentiments and views contained in this dispatch."[1]

In 1852 this suggestion was renewed in the form of a *projet* of a convention between the United States, Great Britain and France. This convention was to consist of a single article which was to read as follows:

. . . The high contracting parties hereby severally and collectively disclaim now and for hereafter all intention to obtain possession of the Island of Cuba,

[1] *International Law Digest*, vol. VI, pp. 457–458.

and they respectively bind themselves to discountenance all attempt to that effect on the part of any power or individuals whatever.[2]

To this suggestion, Secretary Everett replied under date of December 1, 1852. As this note carries one of the most famous discussions of the Monroe Doctrine—so far as it relates to Cuba—ever made by any Secretary of State, it is worth quoting *in extenso*:

The President fully concurs with his predecessors, who have on more than one occasion authorized the declaration referred to by M. de Turgot and Lord Malmesbury, that the United States could not see with indifference the Island of Cuba fall into the possession of any other European Government than Spain; not, however, because we should be dissatisfied with any natural increase of territory and power on the part of France or England. France has, within twenty years, acquired a vast domain on the northern coast of Africa, with a fair prospect of indefinite extension. England, within half a century, has added very extensively to her Empire. These acquisitions have created no uneasiness on the part of the United States.

In like manner, the United States have, within the same period, greatly increased their territory. The largest addition was that of Louisiana, which was purchased from France. These accessions of territory have probably caused no uneasiness to the great European powers, as they have been brought about by the operation of natural causes, and without any disturbance of the international relations of the principal states. They have been followed, also, by a great increase of mutually beneficial commercial intercourse between the United States and Europe.

But the case would be different in reference to the transfer of Cuba from Spain to any other European power. That event could not take place without a serious derangement of the international system now existing, and it would indicate designs in reference to this hemisphere which could not but awaken alarm in the United States.

We should view it in somewhat the same light in which France and England would view the acquisition of some important island in the Mediterranean by the United States, with this difference, it is true; that the attempt of the United States to establish themselves in Europe would be a novelty, while the appearance of a European power in this part of the world is a familiar fact. But this difference in the two cases is merely historical, and would not diminish the anxiety which, on political grounds, would be caused by any great demonstration of European power in a new direction in America.

M. de Turgot states that France could never see with indifference the possession of Cuba by any power but Spain, and explicitly declares that she has no wish or intention of appropriating the island to herself; and the English minister makes the same avowal on behalf of his Government. M. de Turgot and Lord Malmesbury do the Government of the United States no more than justice in remarking that they have often pronounced themselves substantially in the same sense. The President does not covet the acquisition of Cuba for the United States; at the same time, he considers the condition of Cuba as mainly an American question. The proposed convention proceeds on a different principle. It assumes that the United States have no other or greater interest in the question than France or England; whereas it is necessary only to cast one's eye on the map to see how remote are the relations of Europe, and how intimate those of the United States, with this island.

[2] MS., Notes to the French Legation, vol. VI, p. 197.

The President, doing full justice to the friendly spirit in which his concurrence is invited by France and England, and not insensible to the advantages of a good understanding between the three powers in reference to Cuba, feels himself, nevertheless, unable to become a party to the proposed compact, for the following reasons:

It is, in the first place, in his judgment, clear (as far as the respect due from the Executive to a coordinate branch of the Government will permit him to anticipate its decision) that no such convention would be viewed with favor by the Senate. Its certain rejection by that body would leave the question of Cuba in a more unsettled position than it is now. This objection would not require the President to withhold his concurrence from the convention if no other objection existed, and if a strong sense of the utility of the measure rendered it his duty, as far as the executive action is concerned, to give his consent to the arrangement. Such, however, is not the case.

The convention would be of no value unless it were lasting: accordingly its terms express a perpetuity of purpose and obligation. Now, it may well be doubted whether the Constitution of the United States would allow the treaty-making power to impose a permanent disability on the American Government for all coming time, and prevent it, under any future change of circumstances, from doing what has been so often done in times past. In 1803 the United States purchased Louisiana of France; and in 1819 they purchased Florida of Spain. It is not within the competence of the treaty-making power in 1852 effectually to bind the Government in all its branches; and, for all coming time, not to make a similar purchase of Cuba. A like remark, I imagine, may be made even in reference both to France and England, where the treaty-making power is less subject than it is with us to the control of other branches of the Government.

There is another strong objection to the proposed agreement. Among the oldest traditions of the Federal Government is an aversion to political alliances with European powers. In his memorable farewell address, President Washington says: "The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connexion as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop." President Jefferson, in his inaugural address in 1801, warned the country against "entangling alliances." This expression, now become proverbial, was unquestionably used by Mr. Jefferson in reference to the alliance with France of 1778—an alliance, at the time, of incalculable benefit to the United States; but which, in less than twenty years, came near involving us in the wars of the French revolution, and laid the foundation of heavy claims upon Congress, not extinguished to the present day. It is a significant coincidence, that the particular provision of the alliance which occasioned these evils was that, under which France called upon us to aid her in defending her West Indian possessions against England. Nothing less than the unbounded influence of Washington rescued the Union from the perils of that crisis, and preserved our neutrality.

But the President has a graver objection to entering into the proposed convention. He has no wish to disguise the feeling that the compact, although equal in its terms, would be very unequal in substance. France and England, by entering into it, would disable themselves from obtaining possession of an island remote from their seats of government, belonging to another European power, whose natural right to possess it must always be as good as their own—a distant island in another hemisphere, and one which by no ordinary or peaceful course of things could ever belong to either of them. If the present

balance of power in Europe should be broken up, if Spain should become unable to maintain the island in her possession, and France and England should be engaged in a death struggle with each other, Cuba might then be the prize of the victor. Till these events all take place, the President does not see how Cuba can belong to any European power but Spain.

The United States, on the other hand, would, by the proposed convention, disable themselves from making an acquisition which might take place without any disturbance of existing foreign relations, and in the natural order of things. The island of Cuba lies at our doors. It commands the approach to the Gulf of Mexico, which washes the shores of five of our States. It bars the entrance of that great river which drains half the North American continent, and with its tributaries forms the largest system of internal water-communication in the world. It keeps watch at the door-way of our intercourse with California by the Isthmus route. If an island like Cuba belonging to the Spanish Crown, guarded the entrance of the Thames and the Seine, and the United States should propose a convention like this to France and England, those powers would assuredly feel that the disability assumed by ourselves was far less serious than that which we asked them to assume.

The opinions of American statesmen, at different times, and under varying circumstances, have differed as to the desirableness of the acquisition of Cuba by the United States. Territorially and commercially it would, in our hands, be an extremely valuable possession. Under certain contingencies it might be almost essential to our safety. Still, for domestic reasons, on which, in a communication of this kind, it might not be proper to dwell, the President thinks that the incorporation of the island into the Union at the present time, although effected with the consent of Spain, would be a hazardous measure; and he would consider its acquisition by force, except in a just war with Spain, (should an event so greatly to be deprecated take place,) as a disgrace to the civilization of the age.

The President has given ample proof of the sincerity with which he holds these views. He has thrown the whole force of his constitutional power against all illegal attacks upon the island. It would have been perfectly easy for him, without any seeming neglect of duty, to allow projects of a formidable character to gather strength by connivance. No amount of obloquy at home, no embarrassments caused by the indiscretions of the colonial government of Cuba, have moved him from the path of duty in this respect. The captain-general of that island, an officer apparently of upright and conciliatory character, but probably more used to military command than the management of civil affairs, has, on a punctilio in reference to the purser of a private steamship, (who seems to have been entirely innocent of the matters laid to his charge,) refused to allow passengers and the mails of the United States to be landed from a vessel having him on board. This certainly is a very extraordinary mode of animadverting upon a supposed abuse of the liberty of the press by the subject of a foreign Government in his native country. The captain-general is not permitted by his Government, 3,000 miles off, to hold any diplomatic intercourse with the United States. He is subject in no degree to the direction of the Spanish minister at Washington; and the President has to choose between a resort to force, to compel the abandonment of this gratuitous interruption of commercial intercourse, (which would result in war,) and a delay of weeks and months, necessary for a negotiation with Madrid, with all the chances of the most deplorable occurrences in the interval—and all for a trifle, that ought to have admitted a settlement by an exchange of notes between Washington and the Havana. The President has, however, patiently

submitted to these evils, and has continued faithfully to give to Cuba the advantages of those principles of the public law under the shelter of which she has departed, in this case, from the comity of nations. But the incidents to which I allude, and which are still in train, are among many others which point decisively to the expediency of some change in the relations of Cuba; and the President thinks that the influence of France and England with Spain would be well employed in inducing her so to modify the administration of the Government of Cuba as to afford the means of some prompt remedy for evils of the kind alluded to, which have done much to increase the spirit of unlawful enterprise against the island.

That a convention such as is proposed would be a transitory arrangement, sure to be swept away by the irresistible tide of affairs in a new country, is, to the apprehension of the President, too obvious to require a labored argument. The project rests on principles applicable, if at all, to Europe, where international relations are, in their basis, of great antiquity, slowly modified, for the most part, in the progress of time and events; and not applicable to America, which, but lately a waste, is filling up with intense rapidity, and adjusting on natural principles those territorial relations which, on the first discovery of the continent, were in a good degree fortuitous.

The comparative history of Europe and America, even for a single century, shows this. In 1752 France, England, and Spain were not materially different in their political position in Europe from what they are now. They were ancient, mature, consolidated states, established in their relations with each other and the rest of the world—the leading powers of western and southern Europe. Totally different was the state of things in America. The United States had no existence as a people; a line of English colonies, not numbering much over a million of inhabitants, stretched along the coast. France extended from the Bay of Saint Lawrence to the Gulf of Mexico, and from the Alleghanies to the Mississippi; beyond which, westward, the continent was a wilderness, occupied by wandering savages, and subject to a conflicting and nominal claim on the part of France and Spain. Everything in Europe was comparatively fixed; everything in America provisional, incipient, and temporary, except the law of progress, which is as organic and vital in the youth of states as of individual men. A struggle between the provincial authorities of France and England for the possession of a petty stockade at the confluence of the Monongahela and Alleghany, kindled the seven years' war; at the close of which, the great European powers, not materially affected in their relations at home, had undergone astonishing changes on this continent. France had disappeared from the map of America, whose inmost recesses had been penetrated by her zealous missionaries and her resolute and gallant adventurers; England had added the Canadas to her transatlantic dominions; Spain had become the mistress of Louisiana, so that, in the language of the archbishop of Mexico, in 1770, she claimed Siberia as the northern boundary of New Spain.

Twelve years only from the treaty of Paris elapsed, and another great change took place, fruitful of still greater changes to come. The American Revolution broke out. It involved France, England, and Spain in a tremendous struggle, and at its close the United States of America had taken their place in the family of nations. In Europe the ancient states were restored substantially to their former equilibrium; but a new element, of incalculable importance in reference to territorial arrangements, is henceforth to be recognized in America.

Just twenty years from the close of the war of the American Revolution, France, by a treaty with Spain—of which the provisions have never been

disclosed—possessed herself of Louisiana, but did so only to cede it to the United States; and in the same year Lewis and Clark started on their expedition to plant the flag of the United States on the shores of the Pacific. In 1819 Florida was sold by Spain to the United States whose territorial possessions in this way had been increased threefold in half a century. This last acquisition was so much a matter of course that it had been distinctly foreseen by the Count Aranda, then prime minister of Spain, as long ago as 1783.

But even these momentous events are but the forerunners of new territorial revolutions still more stupendous. A dynastic struggle between the Emperor Napoleon and Spain, commencing in 1808, convulsed the peninsula. The vast possessions of the Spanish Crown on this continent—vice-royalties and captain-generalships, filling the space between California and Cape Horn—one after another, asserted their independence. No friendly power in Europe, at that time, was able, or, if able, was willing, to succor Spain, or aid her to prop the crumbling buttresses of her colonial empire. So far from it, when France, in 1823, threw an army of one hundred thousand men into Spain to control her domestic policies, England thought it necessary to counteract the movement by recognizing the independence of the Spanish provinces in America. In the remarkable language of the distinguished minister of the day, in order to redress the balance of power in Europe, he called into existence a New World in the West—somewhat overrating, perhaps, the extent of the derangement in the Old World, and not doing full justice to the position of the United States in America, or their influence on the fortunes of their sister republics on this continent.

Thus, in sixty years from the close of the seven years' war, Spain, like France, had lost the last remains of her once imperial possessions on this continent. The United States, meantime, were, by the arts of peace and the healthful progress of things, rapidly enlarging their dimensions and consolidating their power.

The great march of events still went on. Some of the new republics, from the effect of a mixture of races, or the want of training in liberal institutions, showed themselves incapable of self-government. The province of Texas revolted from Mexico by the same right by which Mexico revolted from Spain. At the memorable battle of San Jacinto, in 1836, she passed the great ordeal of nascent states, and her independence was recognized by this Government, by France, by England, and other European powers. Mainly peopled from the United States, she sought naturally to be incorporated into the Union. The offer was repeatedly rejected by Presidents Jackson and Van Buren, to avoid a collision with Mexico. At last the annexation took place. As a domestic question, it is no fit subject for comment in a communication to a foreign minister; as a question of public law, there never was an extension of territory more naturally or justifiably made.

It produced a disturbed relation with the Government of Mexico; war ensued, and in its results other extensive territories were for a large pecuniary compensation on the part of the United States, added to the Union. Without adverting to the divisions of opinion which arose in reference to this war, as must always happen in free countries in reference to great measures, no person surveying these events with the eye of a comprehensive statesmanship can fail to trace in the main result the undoubted operation of the law of our political existence. The consequences are before the world. Vast provinces, which had languished for three centuries under the leaden sway of a stationary system, are coming under the influences of an active civilization. Freedom of speech and the press, the trial by jury, religious equality, and representative government, have been carried by the Constitution of the United States into extensive

regions in which they were unknown before. By the settlement of California, the great circuit of intelligence round the globe is completed. The discovery of the gold of that region—leading, as it did, to the same discovery in Australia—has touched the nerves of industry throughout the world. Every addition to the territory of the American Union has given homes to European destitution and gardens to European want. From every part of the United Kingdom, from France, from Switzerland and Germany, and from the extremest north of Europe, a march of immigration has been taken up, such as the world has never seen before. Into the United States—grown to their present extent in the manner described—but little less than half a million of the population of the Old World is annually pouring, to be immediately incorporated into an industrious and prosperous community, in the bosom of which they find political and religious liberty, social position, employment, and bread. It is a fact which would defy belief, were it not the result of official inquiry, that the immigrants to the United States from Ireland alone, besides having subsisted themselves, have sent back to their kindred, for the three last years, nearly five million of dollars annually; thus doubling in three years the purchase money of Louisiana.

Such is the territorial development of the United States in the past century. Is it possible that Europe can contemplate it with an unfriendly or jealous eye? What would have been her condition in these trying years but for the outlet we have furnished for her starving millions?

Spain, meantime, has retained of her extensive dominions in this hemisphere but the two islands of Cuba and Porto Rico. A respectful sympathy with the fortunes of an ancient ally and a gallant people, with whom the United States have ever maintained the most friendly relations, would, if no other reason existed, make it our duty to leave her in the undisturbed possession of this little remnant of her mighty trans-Atlantic empire. The President desires to do so; no word or deed of his will ever question her title or shake her possession. But can it be expected to last very long? Can it resist this mighty current in the fortunes of the world? Is it desirable that it should do so? Can it be for the interest of Spain to cling to a possession that can only be maintained by a garrison of twenty-five or thirty thousand troops, a powerful naval force, and an annual expenditure for both arms of the service of at least twelve millions of dollars? Cuba, at this moment, costs more to Spain than the entire naval and military establishment of the United States costs the Federal Government. So far from being really injured by the loss of this island, there is no doubt that, were it peacefully transferred to the United States, a prosperous commerce between Cuba and Spain, resulting from ancient associations and common language and tastes, would be far more productive than the best contrived system of colonial taxation. Such, notoriously, has been the result to Great Britain of the establishment of the independence of the United States. The decline of Spain from the position which she held in the time of Charles the Fifth is coeval with the foundation of her colonial system; while within twenty-five years, and since the loss of most of her colonies, she has entered upon a course of rapid improvement unknown since the abdication of that Emperor.

I will but allude to an evil of the first magnitude: I mean the African slave-trade, in the suppression of which France and England take a lively interest—an evil which still forms a great reproach upon the civilization of Christendom, and perpetuates the barbarism of Africa, but for which it is to be feared there is no hope of a complete remedy while Cuba remains a Spanish colony.

But, whatever may be thought of these last suggestions, it would seem impossible for anyone who reflects upon the events glanced at in this note to mis-

take the law of American growth and progress, or think it can be ultimately arrested by a convention like that proposed. In the judgment of the President, it would be as easy to throw a dam from Cape Florida to Cuba, in the hope of stopping the flow of the Gulf Stream, as to attempt, by a compact like this, to fix the fortunes of Cuba "now and for hereafter"; or, as expressed in the French text of the convention, "for the present as for the future," (*pour le present comme pour l'avenir,*) that is, for all coming time. The history of the past—of the recent past—affords no assurance that twenty years hence France or England will even wish that Spain should retain Cuba; and a century hence, judging of what will be from what has been, the pages which record this proposition will, like the record of the family compact between France and Spain, have no interest but for the antiquary.

Even now the President can not doubt that both France and England would prefer any change in the condition of Cuba to that which is most to be apprehended, viz: An internal convulsion which should renew the horrors and the fate of San Domingo.

I will intimate a final objection to the proposed convention. M. de Turgot and Lord Malmesbury put forward, as the reason for entering into such a compact, "the attacks which have lately been made on the island of Cuba by lawless bands of adventurers from the United States, with the avowed design of taking possession of that island." The President is convinced that the conclusion of such a treaty, instead of putting a stop to these lawless proceedings, would give a new and powerful impulse to them. It would strike a death-blow to the conservative policy hitherto pursued in this country toward Cuba. No administration of this Government, however strong in the public confidence in other respects, could stand a day under the odium of having stipulated with the great powers of Europe, that in no future time, under no change of circumstances, by no amicable arrangement with Spain, by no act of lawful war, (should that calamity unfortunately occur,) by no consent of the inhabitants of the island, should they, like the possessions of Spain on the American continent, succeed in rendering themselves independent; in fine, by no overruling necessity of self-preservation should the United States ever make the acquisition of Cuba.

For these reasons, which the President has thought it advisable, considering the importance of the subject, to direct me to unfold at some length, he feels constrained to decline respectfully the invitation of France and England to become a party to the proposed convention. He is persuaded that these friendly powers will not attribute this refusal to any insensibility on his part to the advantages of the utmost harmony between the great maritime states on a subject of such importance. As little will Spain draw any unfavorable inference from this refusal; the rather, as the emphatic disclaimer of any designs against Cuba on the part of this Government, contained in the present note, affords all the assurance which the President can constitutionally, or to any useful purpose, give of a practical concurrence with France and England in the wish not to disturb the possession of that island by Spain.[3]

The matter of neutralization of Cuba again came up in 1881 when Secretary Blaine on December 1, instructed Mr. Comly, our Minister to Hawaii as follows:

. . . That rich island [Cuba], the key to the Gulf of Mexico, and the field for our most extended trade in the Western Hemisphere is, though in the hands of Spain, a part of the American commercial system. Our relations, present and

[3] Moore, *International Law Digest*, vol. VI, pp. 461–470.

prospective, toward Cuba, have never been more ably set forth than in the remarkable note addressed by my predecessor, Mr. Secretary Everett, to the ministers of Great Britain and France in Washington, on the 1st of December, 1852, in rejection of the suggested tripartite alliance to forever determine the neutrality of the Spanish Antilles. In response to the proposal that the United States, Great Britain, and France should severally and collectively agree to forbid the acquisition of control over Cuba, by any or all of them, Mr. Everett showed that, without forcing or even coveting possession of the island, its condition was essentially an American question; that the renunciation forever by this Government of contingent interest therein would be far broader than the like renunciation by Great Britain or France; that if ever ceasing to be Spanish, Cuba must necessarily become American, and not fall under any other European domination, and that the ceaseless movement of segregation of American interests from European control and unification in a broader American sphere of independent life could not and should not be checked by any arbitrary agreement.

Nearly thirty years have demonstrated the wisdom of the attitude then maintained by Mr. Everett and have made indispensable its continuance and its extension to all parts of the American Atlantic system where a disturbance of the existing status might be attempted in the interest of foreign powers. The present attitude of this government toward any European project for the control of an isthmian route is but the logical sequence of the resistance made in 1852 to the attempted pressure of an active foreign influence in the West Indies.[4]

[4] *Foreign Relations of the United States*, 1881, pp. 637–638.

THE MONROE DOCTRINE AND COALING STATIONS

An interesting dictum by Mr. Wharton is cited and quoted by Mr. Moore:

. . . A striking speech on this topic by General Dix will be found in Dix's Life, i, 217, in which he says that the protests of Presidents Monroe and Polk "are sustained by an undivided public opinion, even though they may not have received a formal response from Congress." This is true so far as it concerns the arbitrary interference of European sovereigns in American affairs, or the attempt of any European power to obtain the control of the Isthmus of Panama. But the Doctrine should not be extended so as to preclude a European power from receiving for its own purposes (*e. g.*, for coaling steamers) a cession of territory in South America.[1]

[1] Moore, *International Law Digest*, vol. VI, p. 502.

"ROOSEVELT'S COROLLARY" OF THE MONROE DOCTRINE

In his message to Congress of December 3, 1860, President Buchanan dealt with the situation in Mexico and the obligation of this Government "to exert its power to avenge and redress the wrongs of our citizens and to afford them protection in Mexico," and with the request which he had made in his previous annual message for authority to use "a sufficient military force to penetrate into the interior, where the Government of Miramon was to be found." President Buchanan then declared he might have been able, if such authority had been granted, to avoid the "entire abandonment of our fellow citizens who had gone to Mexico under the faith of treaties to the systematic injustice, cruelty, and oppression of Miramon's Government. Besides, it is almost certain that the simple authority to employ this force would of itself have accomplished all our objects without striking a single blow." He then continued:

> In addition—and I deem this a most important consideration—European governments would have been deprived of all pretext to interfere in the territorial and domestic concerns of Mexico. We should thus have been relieved from the obligation of resisting, even by force should this become necessary, any attempt by these governments to deprive our neighboring republic of portions of her territory—a duty from which we could not shrink without abandoning the traditional and established policy of the American people.[1]

In his note of November 26, 1895, replying to Mr. Olney's note of July 20, 1895, regarding the boundary dispute between Great Britain and Venezuela, Lord Salisbury, speaking of Mr. Olney's contention that the Monroe Doctrine justified the United States in demanding that boundary disputes between a Latin American State and the coterminous colony of a European power, be settled by arbitration, declared:

> Whatever may be the authority of the doctrine laid down by President Monroe, there is nothing in his language to show that he ever thought of claiming this novel prerogative for the United States. It is admitted that he did not seek to assert a protectorate over Mexico, or the States of Central and South America. Such a claim would have imposed upon the United States the duty of answering for the conduct of these States, and consequently the responsibility of controlling it. His sagacious foresight would have led him energetically to deprecate the addition of so serious a burden to those which the rulers of the United States have to bear. It follows of necessity that if the Government

[1] Richardson's *Messages and Papers of the Presidents*, vol. v, p. 646.

of the United States will not control the conduct of these communities, neither can it undertake to protect them from the consequences attaching to any misconduct of which they may be guilty towards other nations. If they violate in any way the rights of another State, or of its subjects, it is not alleged that the Monroe Doctrine will assure them the assistance of the United States in escaping from any reparation which they may be bound by international law to give. Mr. Olney expressly disclaims such an inference from the principles he lays down.[2]

In his annual message of December 6, 1904, President Roosevelt made the following statements:

It is not true that the United States feels any land hunger or entertains any projects as regards the other nations of the Western Hemisphere save such as are for their welfare. All that this country desires is to see the neighboring countries stable, orderly, and prosperous. Any country whose people conduct themselves well can count upon our hearty friendship. If a nation shows that it knows how to act with reasonable efficiency and decency in social and political matters, if it keeps order and pays its obligations, it need fear no interference from the United States. Chronic wrongdoing, or an impotence which results in a general loosening of the ties of civilized society, may in America, as elsewhere, ultimately require intervention by some civilized nation, and in the Western Hemisphere the adherence of the United States to the Monroe Doctrine may force the United States, however reluctantly, in flagrant cases of such wrongdoing or impotence, to the exercise of an international police power. If every country washed by the Caribbean Sea would show the progress in stable and just civilization which with the aid of the Platt amendment Cuba has shown since our troops left the island, and which so many of the republics in both Americas are constantly and brilliantly showing, all question of interference by this Nation with their affairs would be at an end. Our interests and those of our southern neighbors are in reality identical. They have great natural riches, and if within their borders the reign of law and justice obtains, prosperity is sure to come to them. While they thus obey the primary laws of civilized society they may rest assured that they will be treated by us in a spirit of cordial and helpful sympathy. We would interfere with them only in the last resort, and then only if it became evident that their inability or unwillingness to do justice at home and abroad had violated the rights of the United States or had invited foreign aggression to the detriment of the entire body of American nations. It is a mere truism to say that every nation, whether in America or anywhere else, which desires to maintain its freedom, its independence, must ultimately realize that the right of such independence can not be separated from the responsibility of making good use of it.

In asserting the Monroe Doctrine, in taking such steps as we have taken in regard to Cuba, Venezuela, and Panama, and in endeavoring to circumscribe the theater of war in the Far East, and to secure the open door in China, we have acted in our own interest as well as in the interest of humanity at large.[3]

In his special message to the Senate on February 15, 1905, transmitting "A Protocol of an Agreement between the United States and the Dominican Republic, Providing for the Collection and Disburse-

[2] Moore, *International Law Digest*, vol. VI, p. 562.

[3] *Messages and Papers of the Presidents* (1917 ed.), vol. XVI, pp. 7053–7054.

ment by the United States of the Customs Revenues of the Dominican Republic," President Roosevelt made the following observations:

The conditions in the Republic of Santo Domingo have been growing steadily worse for many years. There have been many disturbances and revolutions, and debts have been contracted beyond the power of the Republic to pay. Some of these debts were properly contracted and are held by those who have a legitimate right to their money. Others are without question improper or exorbitant, constituting claims which should never be paid in full and perhaps only to the extent of a very small portion of their nominal value.

Certain foreign countries have long felt themselves aggrieved because of the nonpayment of debts due their citizens. The only way by which foreign creditors could ever obtain from the Republic itself any guaranty of payment would be either by the acquisition of territory outright or temporarily, or else by taking possession of the custom-houses, which would of course in itself, in effect, be taking possession of a certain amount of territory.

It has for some time been obvious that those who profit by the Monroe doctrine must accept certain responsibilities along with the rights which it confers; and that the same statement applies to those who uphold the doctrine. It can not be too often and too emphatically asserted that the United States has not the slightest desire for territorial aggrandizement at the expense of any of its southern neighbors, and will not treat the Monroe doctrine as an excuse for such aggrandizement on its part. We do not propose to take any part of Santo Domingo, or exercise any other control over the island save what is necessary to its financial rehabilitation in connection with the collection of revenue, part of which will be turned over to the Government to meet the necessary expense of running it, and part of which will be distributed pro rata among the creditors of the Republic upon a basis of absolute equity. The justification for the United States taking this burden and incurring this responsibility is to be found in the fact that it is incompatible with international equity for the United States to refuse to allow other powers to take the only means at their disposal of satisfying the claims of their creditors and yet to refuse, itself, to take any such steps.

An aggrieved nation can without interfering with the Monroe doctrine take what action it sees fit in the adjustment of its disputes with American States, provided that action does not take the shape of interference with their form of government or of the despoilment of their territory under any disguise. But, short of this, when the question is one of a money claim, the only way which remains, finally, to collect it is a blockade, or bombardment, or the seizure of the custom-houses, and this means, as has been said above, what is in effect a possession, even though only a temporary possession, of territory. The United States then becomes a party in interest, because under the Monroe doctrine it can not see any European power seize and permanently occupy the territory of one of these Republics; and yet such seizure of territory, disguised or undisguised, may eventually offer the only way in which the power in question can collect any debts, unless there is interference on the part of the United States.

. . . Except for arbitrary wrong, done or sanctioned by superior authority, to persons or to vested property rights, the United States Government, following its traditional usage in such cases, aims to go no further than the mere use of its good offices, a measure which frequently proves ineffective. On the other hand, there are governments which do sometimes take energetic action for the

protection of their subjects in the enforcement of merely contractual claims, and thereupon American concessionaires, supported by powerful influences, make loud appeal to the United States Government in similar cases for similar action. They complain that in the actual posture of affairs their valuable properties are practically confiscated, that American enterprise is paralyzed, and that unless they are fully protected, even by the enforcement of their merely contractual rights, it means the abandonment to the subjects of other Governments of the interests of American trade and commerce through the sacrifice of their investments by excessive taxes imposed in violation of contract, and by other devices, and the sacrifice of the output of their mines and other industries, and even of their railway and shipping interests, which they have established in connection with the exploitation of their concessions. Thus the attempted solution of the complex problem by the ordinary methods of diplomacy reacts injuriously upon the United States Government itself, and in a measure paralyzes the action of the Executive in the direction of a sound and consistent policy. The United States Government is embarrassed in its efforts to foster American enterprise and the growth of our commerce through the cultivation of friendly relations with Santo Domingo, by the irritating effects on those relations, and the consequent injurious influence upon that commerce, of frequent interventions. As a method of solution of the complicated problem arbitration has become nugatory, inasmuch as, in the condition of its finances, an award against the Republic is worthless unless its payment is secured by the pledge of at least some portion of the customs revenues. This pledge is ineffectual without actual delivery over of the custom-houses to secure the appropriation of the pledged revenues to the payment of the award. This situation again reacts injuriously upon the relations of the United States with other nations. For when an award and such security are thus obtained, as in the case of the Santo Domingo Improvement Company, some foreign government complains that the award conflicts with its rights, as a creditor, to some portion of these revenues under an alleged prior pledge; and still other governments complain that an award in any considerable sum, secured by pledges of the customs revenues, is prejudicial to the payment of their equally meritorious claims out of the ordinary revenues; and thus controversies are begotten between the United States and other creditor nations because of the apparent sacrifice of some of their claims, which may be just or may be grossly exaggerated, but which the United States Government can not inquire into without giving grounds of offense to other friendly creditor nations. Still further illustrations might easily be furnished of the hopelessness of the present situation growing out of the social disorders and the bankrupt finances of the Dominican Republic, where for considerable periods during recent years the bonds of civil society have been practically dissolved.

Under the accepted law of nations foreign governments are within their right, if they choose to exercise it, when they actively intervene in support of the contractual claims of their subjects. They sometimes exercise this power, and on account of commercial rivalries there is a growing tendency on the part of other governments more and more to aid diplomatically in the enforcement of the claims of their subjects. In view of the dilemma in which the Government of the United States is thus placed, it must either adhere to its usual attitude of nonintervention in such cases—an attitude proper under normal conditions, but one which in this particular kind of case results to the disadvantage of its citizens in comparison with those of other States—or else it must, in order to be consistent in its policy, actively intervene to protect the contracts and concessions of its citizens engaged in agriculture, commerce, and transportation in competition with the subjects and citizens of other States. This course would

render the United States the insurer of all the speculative risks of its citizens in the public securities and franchises of Santo Domingo.[4]

In connection with the suggestions made by President Roosevelt in his message as to the results which might flow from the failure of governments to meet financial obligations, the following instruction dated January 10, 1870, sent by Secretary Fish to Mr. Motley, our Minister to England, is of interest:

Rumors reach here that an attempt is being made to negotiate a loan in London or in Paris in favor of the Spanish Government and it is suggested that the revenues of the Island of Cuba may be offered as security.

It is desirable that this Department be kept fully advised of any movement of this nature, as this Government would not look with favor upon any negotiation of the kind which may hypothicate or pledge the revenues of that Island or compromit any interests connected therewith, or give to any foreign Government a right to interpose in the affairs of Cuba.

You will be pleased to make enquiry as to the correctness of the rumors alluded to to keep watch upon any movements that may tend in that direction and keep me advised.

Should you find any attempt being made to effect a loan on any such security you will cautiously interpose such objections as you may be able to present, and you may say that in view of assurances given to this Government by the Spanish authorities, the United States cannot regard such hypothication or pledge with favor, at the same time you will avoid presenting this Government, or yourself in an offensive attitude of interference. A similar letter to this is addressed to Mr. Washburne with whom you will correspond on the subject if necessary.[5]

Toward the end of the year Secretary Fish (December 1, 1870) instructed Mr. Moran, our Chargé at London, as follows:

Information reaches me that the Government of Madrid proposes at an early day to ask authority from the Cortes to raise a considerable loan on the pledge of the revenues of the Cuba, for the purpose of funding the debt incurred in the effort to repress the insurrectionary movement in that Island, and to meet the expenses of the present campaign; and further that efforts are making to find a market in London, for such negotiations.

It seems to this Government so apparent that the retention of Cuba will cost Spain, in the future, the full amount of the annual revenue to be derived therefrom, that the pledge of any revenue from that Island can be but a nominal security, and cannot form the basis of a legitimate loan, and that the object of attempting a negotiation on such pledge can be only to induce lenders to loan their money on such nominal security, with the expectation that the Government of the parties lending, may interpose for their protection, in case of failure of payments, and may look to the mortgaged security for the indemnification of its subjects.

The relations of this Government towards the Island of Cuba are such that while ourselves abstaining scrupulously from any effort to hasten the time when we believe that the connection of the Island with Spain must cease, we cannot contemplate with indifference, or in silence, any measures which may promise

[4] Ex. Doc. No. 5 (Confidential), 58th Cong., 3d sess., pp. 1–4.

[5] MS., Instructions, Great Britain, vol. xxii, pp. 161–162.

to give any possible ground of claim on the part of any foreign power to acquire any rights of ownership, or control over that Island, or its revenues.

This Government has made repeated public declarations to this effect.

I took occasion therefore in an interview with Sir Edward Thornton, Her Majesty's Envoy &c. this day, to refer to the rumor that had reached me with respect to the contemplated loan, and to express the hope that the British Government will not countenance a loan, which this Government cannot but regard as a transaction of a nature not entitled to ask or to receive the support of any other Government, to interfere in the affairs of Cuba, in behalf of its subjects or citizens, in the event of non payment of the proposed loan.

Sir Edward Thornton intimated his intention to communicate the substance of my observations to his Government.

I communicate it to you for your information, and with the expectation that if you are consulted with respect to the proposed loan, you will represent the position of this Government with regard thereto, and that as opportunity offers you will express yourself to Her Majesty's Principal Secretary of State for Foreign Affairs, and generally in your conversation with official persons, in the sense in which I have conveyed to Sir Edward Thornton the settled purpose of this Government.[6]

It would seem that the Cuban revenues had been pledged actually, or in effect, by loans which were made by the Spanish Government at a time subsequent to the above date.[7]

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[6] *Ibid.*, pp. 329–331.

[7] See *A Treaty of Peace between the United States and Spain* (S. Doc. No. 62, pt. 1, 55th Cong., 3d sess.), pp. 49–50.

THE MONROE DOCTRINE AND SOUTH AMERICA

Mr. Webster in his speech of April 14, 1826, on the mission to Panama called attention to the different relationship which existed between the United States and the southern part of South America and the regions of the Gulf of Mexico. He used these words:

> It is, doubtless, true, as I took occasion to observe the other day, that this declaration must be considered as founded on our rights, and to spring mainly from a regard to their preservation. It did not commit us, at all events, to take up arms, on any indication of hostile feeling by the Powers of Europe towards South America. If, for example, all the States of Europe had refused to trade with South America, until her States should return to their former allegiance, that would have furnished no cause of interference to us. Or, if an armament had been furnished by the allies to act against Provinces the most remote from us, as Chili or Buenos Ayres, the distance of the scene of action diminishing our apprehension of danger, and diminishing, also, our means of effectual interposition, might still have left us to content ourselves with remonstrance. But a very different case would have arisen, if an army, equipped and maintained by these Powers, had been landed on the shores of the Gulf of Mexico, and commenced the war in our own immediate neighborhood. Such an event might justly be regarded as dangerous to ourselves, and, on that ground, to have called for decided and immediate interference by us. The sentiments and the policy announced by the declaration, thus understood, were, therefore, in strict conformity to our duties and interest.[1]

In his message of December 6, 1904, President Roosevelt speaking of the application of the principles of the Monroe Doctrine to countries on the Western Hemisphere, intimated a distinction between North and South America by alluding particularly to the countries "washed by the Caribbean Sea" and to "such steps as we have taken in regard to Cuba, Venezuela, and Panama."[2]

J. R. C.

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[1] *Congressional Debates*, 10th Cong., 1st sess., vol. II, pt. 2 (1826), p. 2269.

[2] *Messages and Papers of the Presidents* (1917 ed.), vol. XVI, pp. 7053–7054.

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